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ANNALS  
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THE DEVELOPMENT OF THE PRESENT CONSTITUTION OF FRANCE.

The American Academy of Political and Social Science has recently published a collection of the chief constitutional and organic laws of the French Republic.\* This collection contains the three fundamental constitutional laws of 1875, and the "organic" laws passed in the same year relating to the election of deputies and senators. The latter may be considered as a supplement to the constitutional laws themselves, although in their form they do not constitute a part of the constitution properly so-called. Finally, there are the more recently enacted laws, including amendments to the constitution, as well as the ordinary legislation which relates to matters regulated by the organic laws just mentioned.

It is only necessary to glance at the list of these laws to see that periodical changes have occurred in France in the field of constitutional law, and that a process of revision is taking place which forms a distinct evolution. It would

\* "The Constitutional and Organic Laws of France," Translated with an Historical Introduction. By C. F. A. Currier. Supplement to the *ANNALS*, March, 1893.

seem interesting, then, to follow the current of development of which we have the successive manifestations in the different laws passed since 1875, and seek to determine the direction of the movement. The present study, which is naturally suggested by the list of legislative changes included in the collection published by the Academy, may be considered as an elaboration of the topics therein included, and may not be superfluous for an understanding of the French constitution, especially of its gradual development, the character of which has not, as yet, received adequate attention.

## I.

The first point to be emphasized is the tendency which now leads the French legislator to render the transformation of the constitutional laws easier by transferring to the domain of ordinary legislation, that is to say, placing within the normal competence of Parliament, matters belonging to the domain of constitutional law.\* This is exactly contrary to the traditional proceeding in France. France is the country par excellence, where the distinction between the constituent power and the constituted powers has become classical.† This distinction, originated by Siéyès, was recognized in the sense attributed to it in France in all the constitutions of the revolutionary period, and by the republican constitution of 1848. It is, moreover, in harmony with the principle of the sovereignty of the people, as it is derived from the dogma of the social contract. For it would seem but logical that the people should reserve for themselves the right to interfere directly when there is a question of revising the fundamental compact of the political organization. Its

\* For example, the amendment of June 21, 1879, which strikes out from the constitution the provisions relating to the seat of government, that of August 14, 1884, Article 3, which deprives of their constitutional force, Articles 1-7 of the Constitutional Laws of February, 1875. See Prof. Carrier's Translation, p. 50.

† Cf. Ducrocq, whose opinion may well be considered, owing to his great reputation as the representative of the classical tenets in this matter.



ordinary representatives, the members of the legislative body, are of course qualified to administer the affairs of the country conformably to the provisions of the social compact, but they would not, however, appear to be qualified to alter the latter in its essential elements.\* It is in this way that the theoretical distinction originates between the two species of powers, regarded as functions, one the power from which emanate all the others, the *constituent* power; the other, the powers which this latter has conferred and established, namely, the *constituted* powers.

This theory is, however, open to objection if the powers are treated as distinct functions, independently of the organs which correspond to them. For, it is not easy to see what this asserted constituent power is aside from the political sovereignty itself. If it is the supreme power from which the whole political organization of the country is derived, it becomes identical, as is apparent, with the sovereignty which belongs, according to the theory one accepts, either to the people, regarded as the numerical sum of the citizens who compose it, or better to the nation looked upon as an organic body, as an individual in the political world, having as such a legal personality proper to itself, and, consequently, a true autonomy.† The distinction becomes even more subject to criticism if one looks at it from the standpoint of the powers taken in the sense of organs destined to fulfill different functions, and among which the totality of power is distributed. Consequently, the only practical result which can be drawn from the preceding distinction, is that there must be special organs corresponding to the two classes of powers, the existence of which is recognized. A constituent organ must be created which shall be distinct from the legislative power, which shall be charged with the exercise of the constituent function. It was in this way that the French constitutions

\* Cf. Bourgeaud's excellent work, "*L'Etablissement et revision des Constitutions*," p. 239.

† Cf. Haurion "*Précis de droit administratif*," 2m. Ed. p. 5 et seq.

which recognized this distinction, provided for the contingent assembling of constitutional conventions, or organized, with a view to possible ulterior modifications of the constitution, conventions for the purpose of revision, which were to be convoked with special solemnity, and to which was assigned the high function of developing the constitution itself. This is a system remarkably well adapted to a constitution such as that of the United States, which rests fundamentally upon the idea of a compact concluded between the States forming the Union, in such a manner that it may not be modified except in virtue of a special power conferred for this purpose by the States and people upon representatives authorized to treat thus in the name of contracting parties, and, with the reservation of an ulterior ratification, or at least a partial ratification by the States themselves.\* But when we find ourselves in the presence of a collection of citizens, of which the whole mass, without any organic grouping, forms the political community, the contracting parties who alone can have the qualifications to revise the social contract, are the members of the social body taken individually, at least, if one accepts the theory of Rousseau. In his theory, the only logical system would be that of the referendum, or, at least, of a constitutional assembly chosen by direct vote, and in view of the definite point to which the revision is confined.

The most illogical thing in the world, continuing to look at the matter from the standpoint of the sovereignty of the people, is the admission that representatives chosen solely with a view to the performance of legislative functions, and without any special prerogatives bearing upon a revision of the constitution, can, at a given moment, elevate themselves into a sovereign assembly, thus assuming the monopoly of the national sovereignty necessary to form themselves into a constituent assembly. Even in the case of a constituent assembly, chosen by direct vote and with special powers, it

\* See Bryce "American Commonwealth," Vol. i, Cap. xxxii, and Boutmy "Studies in Constitutional Law," translated by F. M. Dacey.

may always be asked whether this assembly, which is never actually anything other than a representative assembly,\* whatever name we may give it, may claim for itself the sovereignty, and if, consequently, it can, of its own right, and without reserving to the people the privilege of express or tacit ratification, exercise this asserted constituent power. For this is, after all, only the expression of sovereignty itself, which cannot be any more delegated than it can be alienated.

The efforts, then, which have been made in France to adjust ourselves to the logic of the dogma of the social contract, have by no means attained their end. However, by the side of the doctrinaire tendencies another tendency, and one entirely opposed, may be noted in the various constitutional systems in France during the past century, which have adjusted themselves to the requirements of parliamentary theories. In the Charter of 1814 and in that of 1830, we find no mention of any distinction between the constituent and the constituted powers, much less any attempt to organize an assembly of revision for the formation of constitutional laws. This is a reversion to the English system granting a general competence to Parliament in regard to constitutional as well as ordinary legislative functions. It is in fact a recognition that the laws relating to constitutional matters belong really by nature with the ordinary laws within the domain of the legislative power. This would clearly be the case, unless it were a question of changing the form of the state as a whole. An act of this kind would be revolution, and no power is organized with a view to revolution, for that is the direct exercise of national sovereignty, and no assembly could be regularly instituted in view of exigencies of this character. Neglecting this point, however, it is impossible to see how there can be any difference in nature between those laws which, while they do not alter the form of the state, still relate to constitutional matters, and the ordinary

\* Cf. Borgeaud, *op. cit.*, p. 222 et seq.

laws, or in what sense laws of that character may be said to be excluded from the competence of the legislative power.\* At most, one may say in a country which possesses a written constitution, that since those topics comprised in the constitution, were regarded as having special importance, it may be rational to organize a special legislative mechanism when it is necessary to modify them. But even in this case, the organ created in view of this exigency still remains a legislative organ, constituent only in name. It is, as M. Guizot once said on a well-known occasion in 1842: "a holiday legislative power as opposed to every-day legislation."† This is not, moreover, simply a quibble, for if these assemblies, summoned for the purpose of revision, are looked upon as exercising only a slightly modified form of legislative power, and as constituting only a special form given to the Parliament, there is assuredly no question of sovereign assemblies invested with the plenitude of sovereignty and superior to Parliament itself. We have simply the Parliament acting with somewhat different forms and with special guarantees directed toward a greater stability in the provisions of the constitution. In the same way, under the present constitution, there can be no question, since these exceptional assemblies are not sovereign, of attributing to them an unlimited power of revision which may be extended beyond those points foreseen by the two chambers. The chambers only decide to convoke the National Assembly as a convention for the discussion of certain specified articles. and, consequently, the convention which depends upon this previous arrangement for all its powers, has only jurisdiction upon those subjects for which it is called together. This is the theory which has finally asserted itself in the

\* Cf. Palma, "*Corso di diritto costituzionale*," Ed., 1884, Vol. i, p. 204 et seq., and Lefebvre, "*Étude sur les lois constitutionnelles de 1875*," Paris, 1882, p. 208 et seq.; also Dickey, "Introduction to the Study of the Law of the Constitution," p. 84.

† "*Memoires pour servir a l'histoire de mon temps*," Vol. vii, p. 26.

interpretation of Article 8 of the Constitutional Law of February 25, 1875.\*

This being granted, there is no doubt of the position which the present Constitution of 1875 takes on this constitutional question, in opposition, as is apparent, to that of the theory of the social contract. At first sight, one might be inclined to believe the contrary, since this constitution provides for and organizes a revisionary body, a fact which would seem to throw it into the class of republican constitutions of the revolutionary epoch, and that of 1848. Such an inference would, however, be a gross error.

The numerous constitutions which have succeeded each other in France during the past century fall naturally into three groups. (1) There is a class which attempts to carry out, in its extreme logical form, an organization based upon the sovereignty of the people, and which establishes, consequently, what we may call a radical form of government, using this term "radical" in a truly scientific sense, and not in the usual bad sense in which it is employed in politics. (2) Others have organized simply a representative system and, finally, (3) there are those which belong to the parliamentary group. It is apparent that in establishing this distinction, based upon the intrinsic character of the government, no reference has been made to the form given to the executive power, whether republican, monarchical or imperial. The matter of political form is becoming more and more an accidental and fortuitous element of which the influence, from a scientific standpoint, may be relegated to a secondary place. We all know that Rousseau regarded the political organization which he described and which he derived from the fundamental postulate of the social contract, as perfectly compatible with royalty, a system afterward actually realized in France under the empire. France is now making an experiment for the rest of Europe, just as it has made so many

\* Cf. Lefebvre, *op. cit.*, p. 218, n. 1; André Lebou, "Das Staatsrecht der französischen Republik" in Marquardsen's "Handbuch," Bd. iv, Sechste Abtheilung, pp. 73-76.

before this time, of the application of the parliamentary system under a republican form of government.

It is incontestable that the present French constitution belongs to the parliamentary group, and, moreover, so far as the principle of sovereignty is concerned, we must, in spite of its republican label, class it in the category which includes the monarchical constitutions of 1814 and 1830. The justness of this classification will appear in our subsequent pages, the resemblance not being confined to the similarity of the political régimes resulting from the parliamentary form. For the moment, it is only necessary to establish the analogy in the case of the particular point in question, that of the separate existence of a constituent power. In order clearly to grasp this analogy, we need only observe the form given to the organ destined to correspond to this asserted constituent power. The National Assembly, commonly known as "the Congress," as it was established by the Constitution of 1875, is nothing more than the union into a single chamber of the two Houses of Parliament. A constitutional convention or assembly, elected directly by the people for the purpose of revising the constitution, is not required, but the constitution may be amended by the Parliament composed as it is at the moment when the single assembly is formed for the purpose of revision. It is not even necessary, as in Belgium, that the House elected by direct vote, should be re-elected. The result is, that the deputies, who, at the time of their election, were not chosen in any sense with a view to a possible revision of the constitution, decide some fine day that there is something to alter in the constitution. They obtain the consent of the Senate, and the two chambers proceed, mayhap much to the astonishment of their constituents, who had in no way authorized them in this matter, to overturn the constitutional compact, if necessary to modify it from end to end. What difference is there then between this system and that of the Parliament of England, with the absolute power accorded it?

There is, however, one difference. In England laws relating to constitutional matters (we have to say constitutional matters and not constitutional laws, for formally speaking there can be no constitutional laws so long as there is no written constitution) are subject to the same safeguards as all others. In France, however, the constitutional laws have one less security, that which results from the existence of a bicameral system. Undoubtedly the absence of this safeguard has been little more than apparent up to this time, thanks to the system of a limited program which has heretofore prevailed in the National Assemblies. For it has been acknowledged that this Congress could not go beyond the range of questions foreseen and discussed in the deliberations of the two chambers. Now, as a matter of fact, when one of the chambers votes for a meeting of the Congress, with the purpose of revising some one clause of the constitution, it knows very well just how it would like to have it revised, and that the changes which it has in view are backed up by a majority in that chamber itself, and if the other chamber agrees to decree a meeting of the Congress with the purpose of revising the same clause in the constitution, this shows that it too has a majority in favor of this measure, and thoroughly understands exactly how the revision is to take place. Thus, the measures which are to be carried later in the Congress, have already received the tacit sanction of the two chambers voting separately.\* But this is not practicable, except for very simple questions which lend themselves to a somewhat crude decision, and does not permit careful adjustments and adaptations where an opinion cannot be formed in advance, but must depend upon the enlightening effects of debate and discussion. As soon as we have to deal with more complicated questions, the solution of which must be reached after somewhat minute study, and

\* Since the revision of 1884 it has been said with truth that the National Assembly is scarcely more than a body for the registration of the decrees of the chambers. Cf. Lebon, *op. cit.*, p. 75.

a previous discussion, the reasoning above loses its force. We may no longer speak of a sort of previous tacit vote in the two chambers, taking the form of a decision that it is necessary to revise the constitution on such and such points. This method of reasoning obviously fails entirely should the Congress, betraying the confidence which has been imposed in it by the chambers who called it together only for the purpose of considering certain specified points which they themselves had determined,—arrogate to itself an unlimited power and undertake to discuss the fundamental provisions of the constitution without any previous authorization. This danger, however, always exists when the Congress is assembled and it is perfectly correct to say that such revisionary laws do not enjoy, in principle at least, the advantage of previous discussion and a double vote of the two separate assemblies. The check then which results from the duality of the legislative organ is here wanting.\*

The only explanation, which, one can give of this institution, is that it was organized with a view of rendering the changes in the constitution less frequent by means of this always somewhat complicated system of calling together a National Assembly. Historically, moreover, the National Assembly of 1875, which as we all remember, was a unitary body, did not believe in the long duration of the republican constitution which it had just drawn up. Originally, at least, they appear to have aimed only at organizing the "Septennat." They believed that by the end of the seven years, the provisional government which they established would come to an end, and that, consequently, the National Assembly would come together again in its customary form of a single chamber, in order to establish a final system of government for the country. Thus for a variety of reasons it is difficult to regard the National Assembly as invested

\* A like admission may be found, apropos of the clauses relating to the election of the Senators which were eliminated from the constitution in 1884, in M. Pyfferoen's work, "*Du Sénat en France et dans le Pays Bas.*" Bruxelles et Paris, 1892, p. 20.



with special powers by the nation for the purpose of revising the constitution. It is really only another form of the legislative body. It is the legislative power of Parliament organizing itself in a specially solemn manner, for the purpose of voting a law which shall form a part of the constitution. The revisionary laws, in their essence, if not in their form and mode of elaboration, remain laws emanating from the legislative power of the country and not from an asserted constitutional power. It is at bottom the English system, and that of the parliamentary governments which have existed in France before 1875. Hence, the revisionary laws have, according to the Constitution of 1875, the character of the laws proceeding from the legislative power, in spite of the somewhat peculiar way in which this acts when it is a question of modifying the constitution. Still in the matter of form, these are subject to conditions which may properly be termed "extraordinary."

Now, the first tendency which may be pointed out, is that of exempting more and more constitutional matters from this special mode of revision, in order to replace them in the domain of the ordinary procedure of the legislative power. It is certainly very remarkable that the regulation, if not the principle, of universal suffrage was left entirely within the domain of ordinary legislation, and did not form a part of the constitution, properly so called. Whether this was an advantageous trait or not we need not decide. If it had been necessary to call together the National Assembly every time the political current modified the method of voting, superseding a method of single votes by that of districts, or *vice versa*, and, moreover, if it were necessary in the future to go through this form every time that a change of this kind took place, in consequence of a change of political fortune, the prestige of this unusual and solemn method of procedure would certainly risk a serious compromise.

The provisions, however, relative to the formation of the Senate, found a place in the constitution, since the Senate

was the cornerstone, the existence of which the authors of the constitution were anxious to assure. Now, the revision of 1884 abrogated Articles I to VII of the law of the twenty-fourth of February, 1875, these provisions being almost immediately replaced by a new organization, which we will take up presently, established by an organic law passed with the usual forms of legislation by the Parliament, namely, the law of the ninth of December, 1884. Hereafter, Parliament can modify at its good pleasure the composition and organization of the Senate as well as of the Chamber without calling together the National Assembly at all.

The conclusion is that in France we are deserting more and more the idea of a written constitution, containing all the political and constitutional organization of the country and looked upon as the result of the constitutional power. This type, traditional in France since the Constitution of 1791, is in no respect realized by the so-called Constitution of 1875.\* Far from being a peculiar document containing the whole organization of the government, it is made up of three constitutional fragments, three laws voted one after the other, the whole offering no regular plan, the parts, in fact, seeming so entirely different in their nature that it would be difficult, placing them end to end, to consider them as three chapters of the same constitution, each treating of some special point. They are, in reality, dispositions relative to questions most subject to discussion, and which it appeared at the time most essential to render plain, everything being treated according to the accidental preoccupations of the moment. Everything relating to the choice of deputies is left out of the constitution. A portion of the clauses relating to the election of senators indeed finds a place there, but the remainder were left in the domain of ordinary legislation. There is, moreover, not a word about the judicial power.

This multiplicity of constitutional laws might seem a

\* Cf. Lefebvre, *op. cit.*, p. 20 et seq.

matter of indifference, one of mere form only. The explanation which is in large part to be found in the difficulty of coming to an understanding in regard to the name to be given to the executive we shall discuss later. The portion relating to the Senate is disconnected with the rest. So far as the law of the sixteenth of July, 1875, is concerned, which deals with the relations between the various public authorities, it was drawn up later when the defects and insufficiency of the other two had become clear. This fragmentary form, then, is altogether accidental; it has, nevertheless, been sufficient entirely to alter the character of the French constitution. It certainly shocks the mind of everyone accustomed to systematic presentation, who believes that a constitution ought to contain a logical and complete plan of governmental organization. But who knows, it is perhaps to this little fact that we owe the acceptance of a republic in France. It often happens that little things, even very little things, are sufficient to engender new conceptions; these new conceptions giving rise in their turn to new habits, and new points of view differing from those of the traditional routine. These are the things which concur to reform the political education of a country. This, then, is the novel element in the conception realized by the present constitution. It is because of its fragmentary form and the fact that the constitution does not contain everything, and has not elaborated the whole political and administrative organization upon a single plan, that something is recognized as existing before it, and that this something has continued to exist since. In other words, it is felt that the present institutions of France have not resulted from a single voluntary creative act on the part of the legislator, but that the legislator was content to establish certain particular institutions only, and that the whole adjustment of the governmental organism resulted from the organic social development of the French during this century. The Constitution, not owing its origin to a written law, continues to develop

and shape itself outside of the written law under the influence of this social life itself. An organic constitution is, therefore, being created in France, based upon the foundation furnished by the written constitution. The French system tends in this way to approach the English type,\* except that in England the relation between the two elements of the constitution is exactly reversed. There the whole basis of the constitution has resulted from the spontaneous development of customs and historical traditions, with the exception of certain legislative acts in the form of compacts and statutes containing special guarantees. In France, on the other hand, until recently only the system of written constitutions has been known, at least in theory, which should contain everything, and outside of which nothing should have any legal existence.

The written constitution has at last begun to give way, and through its seams spontaneous growths of living institutions are pushing their way, drawing their nourishment from the developing social body itself, and not from the more or less opportune interference of the legislator. Undoubtedly, in despite of all asserted positive legislation, there have always been these spontaneous, unperceived growths, as these occur in all constitutions. That which is new in the present constitution is the recognition of the legality of this development, and the absence of any claim to deduce everything from the written text. The present constitution does not even contain the traditional declaration of rights, a remarkable omission in a French constitution. It will be remembered that this republican constitution was made by monarchists, and it might perhaps be a source of congratulation, if the organization of all political systems were turned over to their opponents. For this would, so to speak, reduce the system to a minimum, and in that way avoid all sorts of unfortunate excesses. In short, the famous principles of 1789 find no place in the Constitution of 1875. Are we to infer from

\* Cf. Boutmy, *op. cit.*, p. 141 of the translation.

this that these were not recognized as the basis of the political constitution of the country? No one would defend such a view.\* The vagueness of their formulation renders them so useless as written articles and so incapable of any real sanction, that it may be regarded as an eminently wise measure no longer to include them in the body of rules of positive law. Political conceptions which gave rise to them do not the less form the basis of our institutions. This proves that there are outside of the written constitution, not only institutions existing in the form of organized bodies, but traditions as well, which exist legally without the sanction of any written clause. It is undeniable that by placing the French constitution in the midst of the organic elements of the country, and depriving it of the character of a written constitution, which the least revolution has proved sufficient to overthrow, the Convention of 1875 has insured, contrary, it is true, to its aims and secret wishes, the existence of the organization which it founded. It has restored, in fact, the French constitution to the domain of historical evolution. This alone, in view of the inextricable complications which are constantly occurring, can place the political organization of the country upon a solid basis capable of resisting all internal shocks. This process of evolution, so frankly encouraged in the initial form given to the Constitution of 1875, is farther attested and facilitated by the tendency which has already been mentioned to leave this asserted constitutional power in abeyance, in order to substitute for it the usual legislative power, acting under the usual forms, and without any special solemnity. The constitutional power is, henceforth, relegated to its proper place; it is no longer to be found in a convention of delegates for the purpose, but exists in the real and living autonomy of that personality at once historical and legal which is called the nation. It is to be sought in the natural development of the nation itself, and in the action of its

\* Cf. Borgeaud *op cit.*, p. 239.

normal organs, which serve to manifest its legal vitality, and, consequently, to dictate the legislative measures of the country.

## II.

Having thus shown the circumstances of the evolution, we have now to take a rapid view of the direction which this evolution has taken since 1875. In general it may be said that it is quite difficult, if we confine ourselves to the observation of the laws properly so called, to discover the slightest organic tendency in the changes which have taken place since these are scarcely attributable to anything more than political accidents. We must, however, try to discover if, hidden beneath this political surface, there are not certain national undercurrents which will some day come to light, showing radical transformations until then unperceived.

The constitutional laws of France, and those referring to the constitutional organization, relate to scarcely anything except the legislative and the executive powers, and their reciprocal relations. They leave to one side, in the purely constitutional documents, the judicial power which has only been touched by the law of August 30, 1883, in which a fatal intrusion of politics, impaired a reform which would otherwise have been very opportune.\*

In regard to the legislative power they take up the organization of the Chamber of Deputies and of the Senate and, leaving aside judicial questions, it may be said that the later legislative modifications have related almost exclusively to these two great bodies which form the Parliament. Let us see, however, if certain new conceptions have not made their appearance respecting the executive power.

\* The consequences of this law, from a social standpoint, still weigh heavily upon the country and show themselves in a state of unrest and a ferment of discontent absolutely incompatible with the normal action of the vital and healthy elements of the nation.

Let us consider first, the right of suffrage. The principle of universal suffrage is embodied in the constitution itself; but its regulation has been left in the domain of ordinary legislation. Such regulations are found in the law of November 30, 1875, so far as legislative elections are concerned, municipal elections having been already provided for in the law of 1874, to which that of 1875 expressly refers. Later laws have not indeed affected the principle of universal suffrage itself, although two innovations with opposite tendencies are apparent, one of which has extended the application of this principle; the other having, on the contrary, restricted its range of action. The extension affects the municipal elections. The restriction is due to the law of July 17, 1889, relating to multiple candidatures, which by imposing certain formalities upon the candidates, has attacked what used formerly to be called the absolute sovereignty of universal suffrage. It would be unnecessary to discuss the reforms affecting the municipal laws, for these have little relation to the evolution of constitutional law, properly so called, were it not that the municipal law of 1884 modified in a very essential respect the provisions of the organic law of 1875 relating to the election of deputies.

Article I of the electoral law of 1875 provides for a double list of electors. The first list comprised the electors registered for municipal elections, the second included those who, not being municipal electors, might, nevertheless, vote for members of the chambers. Contrary to what often happens the number of those who might take part in municipal elections appears to have been less than those who might vote for the members of the legislative bodies.

This was, however, only a matter of form which affected in no way the rights of universal suffrage, properly so called. It was only a question of domicile, and it is easy to see how the municipal franchise might be limited by conditions of residence, more strict than those required in the elections for deputies. In the election of deputies, residence qualifications

have only a secondary importance, as, for example, in securing an individual's stability in order to avoid permitting vagabonds to vote. In the case of municipal elections, the connection with a municipal group, or the existence of sufficient local interests are naturally necessary in order to justify the right to vote in the locality. This condition takes the place of the acquisition of the rights of the city, which is to-day practically non-existent in France. Carrying out these ideas, the law of 1874 made certain distinctions according as an individual was an original inhabitant of the commune or not, and being an original inhabitant he had continued to reside there, or had left the place, later to return and re-establish his home there, or, lastly, in cases where an individual had not been born in a city, whether or not he had married an inhabitant of the commune. Moreover, this law made the conditions more favorable for those individuals who, although they had not originally lived in the commune, had material interests there, indicated by the appearance of their names among the list of those who paid direct taxes, as well as those who performed some public function. In certain cases, without entering into farther detail, the condition of residence might be one year or even two years, in the case, for example, of those who did not belong to the commune originally, and who had neither married an inhabitant of the commune, nor were enrolled among those paying direct taxes. Such persons might have to wait two years before their names could appear upon the lists of voters in the town.

In the case of the elections to either of the legislative bodies, on the contrary, the law contents itself with a requirement of a residence of six months in any commune. Now, since the voting is done by communes, and the lists of electors, in the case of elections for the legislative bodies, are drawn up by communes, it was necessary that in each commune a double list should be prepared. One contained the names of the local electors, all of whom were at the same



time obviously electors for the legislative body, while a second supplementary list, included those who, while they were not local electors, still had the right to vote in parliamentary elections.\* In order to have a complete list of those entitled to vote in the election of deputies, it was obviously necessary to include both lists. The municipal law of April 5, 1884, has, however, unified the conditions of residence so that they are now the same in the case of municipal elections and in those of the deputies. All those who may vote for members of the Municipal Council can also vote for members of the Chamber of Deputies. There is, consequently, only a single electoral list drawn up in conformity to the conditions enumerated in Article XIV of the law of April 5, 1884.

Let us return now to the second innovation mentioned above; which has to do with the election of deputies, and which involves a very singular restriction of the rights of universal suffrage, viz., that introduced by the law of July 17, 1889, in regard to multiple candidacies. So far as the election of deputies is concerned, the innovations affecting the organic law of November 30, 1875, with the exception of this law of 1889, just alluded to, which will be considered later, constitute hardly more than a regular oscillation between the system of tickets for single districts, and the *scrutin de liste* † or general ticket. This is an oscillation to which we are accustomed in France, for it has taken place under all the régimes, and with the same periodical fluctuation

\* Organic law of November 30, 1875, Articles 1, 2.

† For the sake of completeness an innovation in the matter of naturalization ought to be mentioned which was introduced by the law of June 26, 1889; Article III provides that a duly naturalized citizen shall enjoy all civil and political rights of a French citizen, except eligibility to the legislative bodies, which is acquired after ten years has elapsed from the date of naturalization. A special law may, however, reduce this term to a single year. This suggests the earlier system, the so-called "*grand naturalization*" under which naturalized citizens could *only* enjoy the right of eligibility in virtue of a special law or decree (Royal ordinance of June 4, 1814, and the law of December 3, 1849). Cf. "*Annuaire de législation française*" published by the Société de Législation comparée for an account of this law, (1890 p. 136).

ever since the Constitution of 1791. From 1791 to 1889 France has had alternately the single district system six times, and the *scrutin de liste* six times. In all this list of alterations, the system has been changed but twice since 1875; once in 1885 by substituting the *scrutin de liste* for the single district system established in 1875, and the other, a return in 1889, to the former method. We ought to remember that the establishment of the single district system in 1875 was really an innovation as regards the previously existing plan since the National Assembly of 1871 was elected conformably to the law of March 15, 1849, which was considered after the fall of the empire as again in force.

In view of these periodical changes, it would seem at first sight as if no decisive tendency had shown itself in France during the course of the century, in favor of one of the methods of voting rather than the other, the matter being decided according to political interests, the party in power choosing the mode of election most favorable to itself. This tendency toward constant fluctuation is not, however, so apparent to-day and we are led to believe that the triumph of the system of tickets containing a single name, is definitely assured for the future. As a matter of fact, during the somewhat troublous period which France went through in 1889, not only was the system of uninominal tickets re-established, but the system was fortified by the law of July 17, 1889, relating to multiple candidacies which emphasizes the abolition of the general ticket and is inimical to the ideas represented by that system. This predominance of the uninominal ticket is all the more curious since the general ticket, as Professor Currier has very justly remarked in the interesting notice which he has prefaced to his translation of the Constitutional Laws, is precisely in line with the republican tradition in France. It has often been considered, perhaps erroneously, or at least through a distortion of a true conception, that it lies in the logic of universal suffrage to vote upon ideas rather than upon interests, especially purely

individual interests. Now, the uninominal ticket has in France the *arrondissement* as the basis of apportionment (hence, the expression "*scrutin d'arrondissement*,"') and the *arrondissement* is so limited in extent, that ordinarily there exists within the voting district a very complete identity of interests. It naturally often happens that the candidate of the *arrondissement* has to take into consideration not only the local interests, but the individual interests of the more influential voters in his party.

The theoretical conception of the republican party in France, whenever it has emancipated itself from questions of expediency and political success, has always been distinctly opposed to this system of electoral subservience. It starts from the idea that there are only individuals in the state, all of whom ought to have in view the general interest, and, consequently, that this general interest ought to be the dominant and single aim in the case of all citizens called upon to exercise the right of suffrage. In order to produce this result, it is necessary to free the candidate from his subordination to local interests. The suffrage itself must be elevated, and brought under the influence of the great political currents—let us say "principles," since this word has for a long time been dear to the republican school in France. Consequently, it is necessary to include in each electoral district a sufficiently extended territory so that this may, on the one hand, be entitled to return several deputies, and, on the other hand, in order that the interests of the various parties which it includes, shall have some chance of differing upon points of detail, so that the candidates standing for a larger territorial area, and not for a single district, shall be obliged to raise themselves above mere local interests and take a stand upon questions of common interest. In this way they would be led to the conception of a wider and more comprehensive interest, susceptible of being identified with the general interest itself. Hence, we have the departmental ticket. If this result is not always reached owing to the

unity of interests which sometimes shows itself in all parts of the same department, one is still sure that the candidates while representing local interests must at least have in view the interests of an extended district, and not those of some little town in particular.

We secure in this way the enfranchisement of the candidate in advance, and, what is more important, his later emancipation, that is to say, his liberty as a deputy after having been elected. He escapes, in short, from the direct dependence on his constituents, and can, thereafter, more easily look at legislative questions which present themselves from the point of view of the general interests, and not from a purely local standpoint. This implies the abolition of the system of instruction which has also been formally abolished by law.\* That system of underhand rule is thus discarded which the *scrutin d'arrondissement* has always brought with it in France, due to the fact that each deputy was the servant of his constituents, pledged to their interests if he wished to assure his re-election, always ready to favor them in the obtaining of places or favors, ready even to satisfy their political animosities. In order to accomplish this, the deputy besieged the ministers who became in this way the prey of the representatives, thus bringing about a régime of wire-pulling, which hampered the public service, and resulted in a servile subordination to personal questions. It may be said to the honor of republican tradition in France, that the ideals of the republican party, neglecting such exceptions as have been due to partisan interests, have always made it prefer the general ticket. This may be proved by referring to the campaign conducted by Gambetta in 1881, and to the forcible speeches which he made in favor of this last method of voting.†

It is true that in 1881, the republican party did not appear

\* The law of November 30, 1875, Article 13.

† It may be noted that the study of comparative institutions shows that the district system predominates, a system approved by Lavelleye. (See "*Gouvernement dans la Démocratie*," Vol. ii, p. 78.)

to be dismayed by the way in which the *scrutin de liste* could be utilized in fostering the popularity of individuals, by the support which it might give to certain vigorous personalities who carried with them and brought within the sphere of their influence, all the other men whose names appeared upon the party ticket. This is what has been called the "towing-candidate" system, and while it seems to have aroused no apprehensions in 1881, in 1889 it was this danger which especially struck the republican party. They were afraid of a kind of plebiscitum on a small scale. They hastened to suppress the general ticket in order to return to the system of single candidates for each district, or even for each *quarter*, as happened in certain large cities. The influence of local committees, and we all know what that means, was thus substituted for that of committees of a great centre. The practically supreme influence of the Parisian committees constitutes, in fact, one of the most serious drawbacks to the *scrutin de liste* in France.

But it was also desired to prevent the possible application of the *scrutin d'arrondissement* itself in securing the electoral triumph of some popular candidate, although it certainly would require the most extraordinary popularity to have one's self elected in a sufficient number of arrondissements to render this election equivalent to a plebiscitum amounting to a presidential election, insuring the transfer of the candidate from his seat as deputy to the presidency of the republic. Such a thing could scarcely happen except in the case of the *scrutin de liste* and in favor of such a man as M. Thiers, for example, in 1871, under the influence of the events of that period. We experienced, however, the same phenomenon during the palmy days of the too famous General Boulanger.

The anomalous law of July 17, 1889, relating to plural-candidacies, was the result of these conditions, and transitory as it would seem to be, it still deserves some words of comment, if only to point out the disturbance which it has

produced in our habits and in the most obvious conditions of our constitutional growth.\* A disturbance which must always accompany arbitrary measures passed with a view of checking a single individual. The whole import of this law lies in the prohibition found in Article I, that no one may be a candidate in more than one district at once.

An amendment of M. Wallon proposed that a candidate should be permitted to stand for election in *two* districts at once. This was rejected, since it was feared that an election in two arrondissements would constitute in reality a sort of little plebiscitum. But it is obvious that it was not sufficient simply to forbid multiple elections; the administration must be in a position to interfere at times in order to prevent these. It would be too late, if an election were allowed to take place in several districts at once, to intervene afterward in order to subject the candidate chosen by several districts, to the punishment provided by law. The plebiscitum would already have taken place; the general will would have declared itself, and have designated the candidate of its choice. How could this choice be nullified later when expressed so authoritatively ! It was necessary, then, to hinder multiple elections from taking place, and in order to do this the administration must be officially notified of the candidacies. Hence each candidate is required to make a previous declaration at the prefecture of the department in which the district lies, where he intends to become a candidate, and this on the fifth day at latest before the election is to take place. A declaration made immediately before the election would come too late, and it was felt that should the administration permit the declaration to be deferred until the last moment, it might be taken by surprise and would no longer be in a position to take the necessary measures to notify the voters and hinder the general will from being misguided.

\* The abrogation of this law has several times been discussed in the Chamber of Deputies.

The announcement of candidacy is the previous condition upon which the legitimacy of the candidacy depends, and, consequently, the legitimacy of all the acts of the candidate and those of his agents or representatives, for these may all be regarded as involved in the candidature. This first formality is accompanied by a second on the part of the administration, namely, the delivery of certificates to the effect that the candidate is legitimate and that his agents may therefore open the campaign, without having anything to fear from the law relating to multiple candidatures. The law of 1889 requires, however, the delivery of a double certificate; one to be issued at the moment when the declaration is made, indicating that it has been made, this being only a provisional certificate, the other is issued twenty-four hours later in the form of a definitive certificate. The first is easily understood. The candidate must have in hand some proof that he has complied with the provisions of the law by making a declaration, if not, he would scarcely find any one who would be willing to conduct the campaign for him,—hardly a printer to set up his professions of faith, or a bill-poster to post up his announcements. But what does the second certificate mean? In the interval of twenty-four hours the Prefect telegraphs to the Minister of the Interior, where the notices of candidature have been brought together. Time has been given to receive a reply or a warning in cases where the same candidate has offered himself in other districts. Should this be the case, the Prefect will put a stop to the campaign already commenced, or hinder one from being opened. If, on the contrary, the declaration is the only one which has been made, the second certificate is delivered, attesting that the declaration is regular, and that, consequently, the candidate may open his campaign.

This second certificate, it has been urged, is an authorization for the candidate. An attestation of the regularity of proceedings would have no meaning or utility except as it is an

indispensable preliminary to the exercise of the candidature itself. It has been concluded from this that the opening of the campaign is not regular until after the delivery of the second certificate, since this last is the one which authorizes the campaign. It is urged that this is dictated by good sense, since the candidate, in the interval between the issuing of the two certificates, would have time to inundate the country, fill the newspapers, and cover the walls with his manifestoes, and this in twenty districts at once, while the administration is taking counsel. On the morrow, the Prefects in the twenty districts, or at least in nineteen of them, would take measures to check the campaign, and tear down the announcements, and he might even take steps to prosecute the offender. This, however, would make little difference since everything has become public, announcements have been sent about and on the day of election the voters may cast their ballots for the candidate who is prosecuted by the administration and rendered thereby all the more popular.

But such a theory would in reality be the destruction of every sound principle. It would be equivalent to maintaining that every candidacy should be authorized by the administration, and yet the administration ought not to have any discretion except in the matter of plurality of candidacies,\* and is, moreover, obliged to deliver the second certificate within twenty-four hours. But, let us suppose that a candidacy is arranged just at the close of the period permitted by law, and that the administration, on more or less plausible grounds, for which it would certainly be very difficult for the candidate (since we are all familiar with the difficulties which surround administrative justice in France) to render it responsible, impedes the delivery of the second certificate. As it would be necessary to wait for this in order to open the campaign, the candidacy would be prevented by the simple manipulations of government. We may thus conclude that in requiring that the declaration should be made at

\* *Circulaire ministérielle* of August 29, 1889.



least the fifth day before the date of the election, the law understood that the candidate should have at least five free days for his campaign. Moreover, the Court of Cassation, and with it the whole legal profession, has decided that when a declaration is once made, the acts involved in the candidature shall be regarded as legitimate without awaiting a second certificate from the administration, and the agents of the candidate may undertake the campaign without having anything to fear, even when the administration shall discover that a number of simultaneous declarations have been made, and thus finds itself obliged to stop, so far as this shall be illegal, the campaign already commenced.\* So soon as the first certificate is issued, the agents of the candidates, and all others involved, are protected from legal procedure.

It is, of course, well understood that should the electoral agents be proved to have known of the existence of a multiple candidacy, they become accomplices in this misdemeanor and may be prosecuted in accordance with the first clause of Article VI of the law. By saying that the electoral agents are protected by the delivery of the provisional certificate, no reference is of course made to the offence foreseen in the second clause of Article VI, which applies, without regard to any complicity in a multiple candidature, and, consequently, even if one knows nothing of this, to those who have carried on a campaign for a candidate who has not fulfilled the requirements exacted by law, understanding by these purely matters of form. From the standpoint of the agents, the formalities exacted by law have been met by the declaration which the candidate has made before the legal term had expired, and this is what is established by the preliminary certificate issued by the administration. Article IV, to which the second clause of Article VI expressly refers,

\* See the various decisions of the *Cour d'Appel* brought together in the collection of Sirey, 1890, second part, p. 33 and note. Also the Court of Cassation, March 20 and 21, 1890; Sirey, 1891, I, p. 185.

has been invoked to prove the contrary. The penalties established by this last refer, in fact, to the offence provided for in Article IV, viz., the participation in an electoral campaign where the candidate has not conformed to the requirements of the present law. Now, it is said, that the requirements of the present law include three things—the act of declaration, a provisional certificate, and a final certificate (Article II). The natural reply would be that when we are speaking of requirements which the candidate must fulfill, we must understand those imposed on the candidate, and not those which devolve upon the administration. Now, the certificates are obligations devolving upon the administration in the interest of the candidate with a view to his security and in order that he may be able to furnish others with the proof that he has made his declaration, and that it is legitimate to begin a campaign for him without fearing the consequences. It could not be otherwise unless the second certificate should have the character of a permission to offer one's self as a candidate. In this case the legitimacy of the candidature, even from the standpoint of a third person, would become a fundamental requirement and not merely a formal one, and a third person would not be authorized to undertake the campaign unless proof had been furnished him that the declaration made at the prefecture of their district was the only one that the candidate had made. Were this the case law would certainly have imposed upon them the duty of waiting until the fundamental proof of the legitimacy of the candidate had been obtained, instead of allowing them to proceed on the simple proof that the declaration had regularly and formally been made. Such is, in the last analysis, the conception which we ought to entertain of the formalities imposed by the law of 1889. Otherwise a third person could not act except upon the proof furnished of the singleness of the declaration, namely, the final certificate, and this certificate would become equivalent to an authorization on the part of the administration to be a candidate.

But there is not a single word in the law which forces us to accept this derogation from the most fundamental principles of constitutional law, nor has French jurisprudence accepted this interpretation. The use of the second certificate then, since it is not to *authorize* the candidacy while declaring it legitimate, is to reassure those who having already commenced the campaign might otherwise apprehend the intervention of the administration. The second certificate is simply to establish the fact that the declaration, made the day before, is the only one which has been made, and that, consequently, those engaged in the campaign need not fear that the administration will intervene to hinder them. They know that they are dealing with a candidate who, whatever may happen, can still present himself for election in their district, and it is but right that the candidate in his own interest should be able to furnish this assurance. Hence, it is the duty of the administration, when it has convinced itself of the legitimacy of the candidature, to deliver a second and final certificate.

As to the dangers, which it is objected, a premature opening of the campaign might cause, and which must be counteracted later, these are purely imaginary, since, and this is a new interference with the rules of the common law, the ballots which bear the name of a candidate, whose candidacy is rendered void in virtue of Article III of the law of 1889, must be annulled and may not be placed to the credit of the candidate.\* It is not even left to the chamber to annul the election by a process of invalidation, hence the result of a proclamation that a single person has been elected in several districts is not to be feared. The result of all this is, then, that the second certificate has still the object of proving the regularity of the declaration, of which the

\* This is a gross violation of the *droit commun* since this requires that irregular ballots shall be submitted with the electoral proceedings to the chamber, and may not be declared void by the electoral committee. By the present law this committee may declare a candidate elected who has not received a majority of the votes cast.

first has established the existence, but this proof of legitimacy is not necessary for opening the campaign. It is not the condition of validity, but a method for aiding the candidate who can put an end in this way to assertions of irregularity which might otherwise arise, and is therefore a formality established in his favor and not at his expense. Thus, in order that an electoral campaign may be opened, it should be understood that a formality is required of the candidate just as in certain countries the requirement has been established that a candidate should be supported by a certain number of voters, but this should be a unilateral formality not requiring any corresponding action on the part of the administration.

The first danger which threatens the principles of constitutional law, is that of a reconsideration on the part of the courts, which may at any moment cause the certificate of the administration, at least the final certificate, to be regarded no longer as the simple attestation of regularity, but as an authorization to stand as a candidate. There is a second danger, relating to the exact object, to which the proof of regularity relates. What is it precisely that the administration must investigate in order to declare a candidature regular? Certainly its investigation cannot extend farther than the fact that the candidate has or has not made a second declaration. It has only a material fact to determine; every consideration of legal conditions, of eligibility, is excluded. Were this not so the administration would act in advance for the Chamber itself, which is, and should be, judge of the validity of the election. But who can assure us that it will always confine itself to these wise principles? Should the administration find itself dealing with a manifestly ineligible candidate, in virtue of a condition of invalidity demonstrated by the facts themselves, might not it believe itself right, in virtue of the adage that an ounce of prevention is better than a pound of cure, to refuse the definite certificate, although several declarations should not have been made,

or even to stop the campaign, which might already have begun. Certainly this second possibility is hardly to be feared, if the candidate is legitimate so far as the law relating to multiple candidacy is concerned. But may not the first, which consists in the refusal of the final certificate, that is to say, not in an active intervention but a simple failure to act, be apparently justifiable, and is it not likely to present itself some day?

Should we, in the future, come to consider the second certificate in the light of an authorization of candidacy, would not the outcome be that the administration would become judge of the conditions of eligibility themselves before allowing a candidate to stand for election? Certainly we have not yet reached this point, but this arrangement is, nevertheless, full of dangers. So far the courts have valiantly striven to confine the law of July 17, 1889, to its minimum application. Will they, however, always be in a position to maintain firmly the principles which they have established?

We have to deal with a system of a somewhat artificial nature, which owes its origin to a crisis of political excitement, but still a system which carries a lesson with it. A whole school, and precisely that school which was the first to demand and vote for the law relating to multiple candidacies, profess an unconditional respect for the imprescriptible rights of universal suffrage. The following is the fundamental formula of the system: Universal suffrage is the realization of the sovereignty of the people; it is the expression of that general will of which Rousseau speaks, which is and ought to be sovereign. If universal suffrage is the expression itself of sovereignty, it is, in a measure, above the law, since the law itself is only the emanation of the political sovereignty. The law is clearly the expression of a general will, which was that of the people at a given moment manifested by means of its representatives. But if the universal suffrage passes beyond that point, this simply proves that the law has ceased to be the expression of the

existing will of the people. The essence of will is to change and to suffer modifications. The former will, which has disappeared, cannot hold its own against the present will, provided it has received a regular expression. Now, the will of the people finds no more sincere, direct and regular expression than that which comes from the electoral body, since this only exists in view of the impossibility of applying the mechanism of universal suffrage to the formation of the laws, except by recourse to a system of representation.

It would seem, then, that one regularly elected by universal suffrage, having been designated by the organ itself of popular sovereignty, would be legally elected, even if he had been chosen in violation of a previous law. The popular will would have discarded the law since, being sovereign, it is free. Assuredly, even accepting this position, the argument could be answered by the assertion that it is not the will of an electoral college which is sovereign, but that of the whole people in the person of the active citizens, and the general will of which Rousseau speaks, is that which results from the votes of all the members of the community. It can never be manifested by the votes of one or several of the individual electoral colleges. For example, should two or more districts vote knowingly for the same candidate; this would not suffice to determine the general will of the nation, in favor of discarding a law previously passed by the Parliament, by neglecting, so far as this candidate is concerned, the law relating to multiple candidacies. While this argument is unimpeachable, it is insufficient, from the standpoint of the theory which we have just been discussing, to justify a restrictive law affecting universal suffrage, like that relating to the multiple candidacies. The reply would lose some of its force on the hypothesis, which is certainly a very improbable one, that the same candidate should be elected everywhere, but this is only a *reductio absurdum* having little importance here.

There is, however, a more serious phase of the subject.

The theorizers, who have just been referred to, freely recognize that the will of an electoral college is not sufficient to justify the discarding of a legal condition of eligibility, for its will is not identical with the general will, and is not an expression of the sovereignty of the people. But, it is urged, this sovereign will finds its incarnation in the body of the Deputies. Universal suffrage has designated this as the depositary of the sovereignty which belongs to it. If, then, the assembly chosen confirms the election, even an irregular one from the legal point of view, it is because the general will, which is sovereign, confirms the particular will of the electoral college which committed the irregularity. From this point of view the line of reasoning above regains all its force.\*

It is, however, for the precise purpose of assuring the possibility of exercising the general and sovereign will in relation to individual elections, that the constitution vests in Parliament itself the absolute decision, without appeal, upon the validity of elections of its own members. In exercising these sovereign magisterial functions, the Parliament is judge not only of cases relating to electoral frauds, but of questions of eligibility, in other words, of the application to the case before them of laws which fix the conditions of eligibility. (See the Constitutional Law of July 16, 1875, Article X.) But it is necessary (and this is an absolute essential of the system) that the decision in regard to all irregularities relating to the conditions of eligibility on the part of the candidate, whether it be a question of fundamental regulations, or simply of conditions attached to the exercise of candidacy, should be reserved in every case to the assembly itself, and that it should never be prejudiced, and, above all, never committed in advance by a prohibition of candidacy, and the destruction of votes cast. In preventing a candidate

\* Cf. the quotations from a speech of M. Clemenceau before the Chamber of Deputies, on June 3, 1879, apropos of the election of Blanqui, to be found in Eugene Sierre's "*Traité de droit politique, électoral et parlementaire*," No. 363, p. 358 et seq. (Paris, 1893).

from standing for election, the administration sets itself in advance against possible manifestations of universal suffrage, and substitutes itself for the general will of the country by preventing the expression on the part of the latter of any opinion upon the regularity of the election, so far as the candidate himself is concerned.

In other words, upon this theory it is possible to justify the previous decision, either of the administration or of the courts, upon the conditions of exercising the right of suffrage, and in relation to the electorate as for example, the establishment in advance of electoral lists and the process of entering a complaint in regard to those who are included or of those who assert that they have a right to be included in the lists. For we have here the problem of determining the electoral body, and the organization of universal suffrage conformably to law. The reasoning above developed, in regard to the sovereignty of universal suffrage, obviously relates only to universal suffrage acting regularly. But so soon as universal suffrage regularly organized, shall become judge, either itself or through the representatives which it has chosen, of the regularity of its decisions, or rather of their conformity to the general will of the country—for this is after all the whole question in point—then every kind of anticipatory decision, and every previous sanction so far as candidacies are concerned, is an encroachment upon the rights of universal suffrage. On this theory it is not the principle of the law relating to multiple candidacies which forms a contradiction to the fundamental notions of the system, it is the previous sanction which this consecrates.

The law it is conceived might have forbidden multiple candidacies, but without giving the administration the right to interfere in advance, leaving to the assembly the function of declaring void such elections as might be in violation of this prohibition. But in practice this would not have been feasible, and would have courted the danger which it was desired to avoid, exposing the administration after a sort of popular



plebiscitum to a sort of parliamentary plebiscitum, which is a very different thing. For, where is the French Parliament, which would be in a position to declare invalid the election of a candidate who had been chosen in several districts? But, what it here is especially necessary to emphasize, is the complete setting aside of the theory of the sovereignty of universal suffrage, and the application of the opposite system which admits the possibility of legal restrictions, involving even a previous sanction for the manifestations of universal suffrage itself. This is the outcome, not of the principle of the law of 1889, but of the way in which its application has been made.

Now, it is well known that the adherents of the system of which the principle was rejected by the law of 1889 are precisely those who are tempted to attribute to the assemblies elected by the people, the sovereignty itself, which belongs to the nation. This system freely admits the idea of a constituent power distinct from the ordinary legislative power, an idea which was partially discarded, as we have seen, by the Constitution of 1875, and is constantly being farther restricted, even in the limited application which had been preserved, by a process of "*deconstitutionalizing*" of which the revisionary law of 1884 furnishes a striking example. All applications drawn from the idea of the social contract and of the sovereignty of the people, in the sense accepted by the radical school, tend to disappear in the political customs of the new French Republic. Moreover, it is obvious that the chief representatives of this school have secured the passage of a law which is the very negation of the principle of the sovereignty of universal suffrage. It is for the future understood that universal suffrage is subject to the law, and when it violates the law the Chamber will no longer be permitted in the verification of the credentials of its members to approve this. We find, then, an unconscious but very marked development which consists in consecrating the acts of parliament as a parliament, even when it acts in

no way as a constituent assembly and in asserting these rights above those of popular sovereignty understood in the sense of the radical school.

On the hypothesis of the earlier French school, an assembly is only an assembly of instructed agents who should not have any independent rights whatever and whose prerogatives should never be anything more than those provisionally delegated by the people. The English Parliament on the other hand is a corporation which has grown up by a long process of historical evolution, and which has acquired in this way rights which belong to it as such, in the same way as, in the old organization of France which was also the result of the same process of organic development, the *parlements* restricted, it is true, as judicial bodies, had acquired the rights which belonged to them as corporations, independently of any renewal of the privilege on the part of the royal power. We have to do here with rights which result from custom, and which even the organ of sovereignty itself must respect. Whether this be sovereignty as represented in the head of the state, or a popular sovereignty, it little matters.\*

It would seem, then, conformable to this historical law of the formation of organized bodies, that the French Parliament during the short period which has elapsed since 1875, or we may say since 1871, if it be considered as the successor of the National Assembly of 1871, has formed itself into a well-established corporation, implanting itself firmly in the country. By the force of circumstances its authority has grown and it dictates laws to universal suffrage and commands as a master. It is no longer a simple assembly, existing only during the period for which powers have been delegated to it and deriving from this delegation alone its exclusive right to existence. It is now a permanent body, thanks to the permanence of the Senate, and now forms a firmly established historical personality. Owing its strength

\* Cf. Lawrence Lowell, "Essays on Government," p. 196.

to the constitutional development in France since 1871, it has obtained in this way inherent rights to existence. We are approaching more and more closely, as is apparent, the type of organic constitutions, subject not only *de facto* but *de jure* as well, to the process of historical evolution. This is the result which we have reached above, and which everything tends to confirm.

### PART III.

Continuing our consideration of this historical development, we next take up the modifications of the Constitution of 1875, in so far as they relate to the organization or rather to the composition of the Senate. This is really the most important phase of the innovations which have taken place in France since 1875. In all republican constitutions, the upper house, in so far as it performs the functions of a permanent senate, is the central nucleus of the whole political organization, and constitutes the permanent element of the entire structure. The head of the state has only temporary powers. The lower chamber is likewise elected only for a very limited period, as it is the manifestation of popular opinion at a given epoch. It is, moreover, re-elected as a whole, *i. e.*, renewed integrally since we may not modify the expression of the universal suffrage, and, consequently, the organ which represents the popular will can only be temporary in order to adapt itself to the transformations of this will. The upper chamber alone may perpetuate itself, and perpetuate with its traditions and unity of view. It maintains the spirit of continuity. It is the basis of the whole constitutional structure. Witness the characteristic rôle which the Roman Senate played, and which the American Senate has reproduced in this century in all its imposing grandeur. The most ardent opponents of the Senate are obliged to recognize its importance. Might it not happen that at a given moment all

the powers of government should fail? The Chamber might be dissolved; and the President might disappear in the crisis in which the ministry went to pieces. What would remain to represent the people, except the Senate? Nor is this hypothesis so chimerical as it might seem. Was there not something analogous to this in 1814, at the time when the Imperial Government was weakening and disappearing little by little, and before that of the Bourbons had been officially recognized and established? We all know the rôle which the Imperial Senate played or at least claimed for itself at this time.

There is then an inherent necessity in a republican constitution for a permanent, well-established senate. So far as France is concerned, should this disappear there would be an end to the theories which have been set forth above in regard to the rights of the parliament, even to its existence; for would a parliament still exist if it were but a single temporary assembly, disappearing altogether either at the expiration of the period for which it was elected, or under the stress of a dissolution? The same arguments are, however, advanced against this obviously salutary system by radical theorists, who construct constitutions as Siéyès did, as a geometrician constructs a theorem.

We have not in what precedes mentioned the arguments which are generally advanced by the advocates of the system of two chambers, such as the guarantee which this affords, of the careful drafting of laws; the check it furnished on thoughtless action; the recognition given in this way to the double current which shows itself necessarily in every society, representing on the one hand the traditional or conservative tendency, on the other the radical or progressive. These arguments are already well known.\* They are, moreover, too manifestly in contradiction to the principles above alluded to not

\* See Burgess "Political Science and Comparative Constitutional Law," Vol. ii, Cap. V, also the Introduction to the work of Henry Desplaces, "*Senats et chambres hautes*" (Paris, Hachette, 1893).

to meet the following well-known objection: The country, it is said, should govern through its representatives, for these representatives express the general will of the nation. This will is one, and can not be doubled; hence it implies a single organ. In order that it may approximate as nearly as possible the true will of the country which it represents, it must be sought in a single assembly, elected directly by the people. Hence, every government based upon the principle of the sovereignty of the people, can admit only a single chamber, nominated by direct universal suffrage. Here we have a regular demonstration, and for a long time past those who reason in this way, have demanded the abolition of the Senate in France. \*

In 1875, not only was there a Senate, but a Senate curiously constituted. All the members had not the same origin. While the greater part—three-quarters—were elected by a sort of suffrage in the second degree, the remainder, seventy-five in number, had been chosen by the National Assembly, as life members who could not be removed and who should, as vacancies occurred, continue to be chosen by the Senate itself and retain the same qualities of permanence. This duality was the result of a compromise, the history of which we need not take up here. This distinction might be defended. In the drafts submitted by the right wing, certain senators were admitted by right in view of their functions. This class having disappeared,† it might be a subject of regret that certain high administrative officials had not the right to a seat in the Senate. Moreover, there are men, those usually who have raised themselves to high positions, who are repelled by the concessions and the violence inherent in electoral contests. Their place is in the Senate. We might then suppose that the Senate would select those persons whose services would be so valuable in

\* Cf. "*Souvenirs de Alexis de Tocqueville*" (Paris, 1893, p. 268, et seq.) for an interesting account of the discussion which took place in 1848 in the committee on the constitution with regard to this question of two chambers.

† For the history of the organization of the Senate, see Lefebvre *op. cit.*, p. 38.

a high assembly, and who would scarcely ever obtain a seat through direct election. Moreover, since they are looked upon as having been chosen on account of their personal qualities, and independently of any delegation on the part of universal suffrage, it would be but natural that they should retain their seats for life. But since the amendment of 1884 this method of reasoning is no longer accepted, and the class of life members has been irrevocably condemned. Here, then, is the first reproach which has been cast upon the Senate of 1875.

A second reproach has been made in regard to the distribution of seats in the Senate, since these were very far from being proportionately distributed according to the population of the departments. Thus, *le Nord* and *la Seine* had three senators while the greater part of the departments had two. Now, many of the latter have not one-tenth of the population of *le Nord* and *la Seine*. Taking population as a basis, *le Nord* and *la Seine* ought to have had a representation in the Senate ten times more numerous than the great majority of the departments, that is to say, twenty seats at least. This would, however, in practice have given us a too numerous Senate, which was out of the question. It might be urged, however, as was done by the authors of the American Constitution, that the upper house should represent something other than individual interests, namely, those of large political or administrative districts. The French Senate of 1875 might be considered as representing departments in a way, and thus justify the approximate uniformity in the distribution of seats. Obviously, this position would be difficult to defend owing to the fact that the system is not carried out in a rigorously logical manner, for this would involve absolute equality among the departments, while as a matter of fact the equality is only approximate.

Lastly, some reform appeared indispensable in the composition of the electoral body. The senators, as is well known, are elected by electors, chosen by universal suffrage, in a

department. The list of electors includes the deputies, councillors general and councillors of the *arrondissement* in the department. Logically, all the municipal councillors of all the communes in the department ought to be included, but this last would be absolutely impossible both on grounds of expediency and justice. For in practice such a general disturbance would be impossible, and political justice would preclude the members of the political assemblies of the departments from being submerged to such an extent in the mass of rural representatives. This result was avoided by giving only a single delegate to the municipal councils, whatever might be the importance of the commune. This equality, absolute in this instance so far as the delegation of the commune is concerned, cannot be defended. Although Gambetta addressed the Senate as the "Great Council of the Communes of France," it is not correct to maintain that the Senate represents the interest of the communes exclusively, since the elections take place at the chief town of the department from collective lists representing the whole of the department. Moreover, since all the municipal councillors were not included in the formation of the electoral college, the delegates of the rural communes enjoyed a very large majority over the representatives of the city element, since each town, whatever might be its importance, had but a single delegate, neither more nor less than the smallest commune of the department. The election was, in short, in the hands of the rural population. Hence, for a long time, it was felt that a change was necessary.

The provisions relative to the distinction between the two categories of members, to the distribution of seats, and the formation of the electoral colleges, had found a place in the Constitutional Laws, namely, in that of the twenty-fourth of February, 1875, (Articles 1-7) and, consequently, these could not be changed except by a revisionary assembly. The revision took place August 14, 1884, and, as has already been said, the law amending the constitution contented

itself with depriving these Articles, 1-7, of their constitutional character, in order to leave the reorganization to take the form of an ordinary law passed by the chambers. The real explanation of this mode of procedure was the suspicious attitude, especially on the part of the Senate, towards the majority, as it was constituted in the National Assembly. There a majority, necessarily, belonged to the Chamber of Deputies by reason of its numerical superiority. The National Assembly is, like every unitary assembly, very prone to hasty legislation, and it was then felt that the proposed reform should be carefully considered and weighed, and subjected to the guarantees furnished by the system of two chambers, that is by the ordinary procedure.

The moderate party wished, in short, to escape at any price the danger which threatened it of a Senate elected directly by universal suffrage.\* For it is obvious that where there are two chambers, both having the same origin, one of them could have no reason for existence, and should, consequently, disappear. The Senate suggested would differ from the Chamber of Deputies in no way except in the system of vacating the seats in rotation, and possibly by certain conditions imposed in the matter of age. This latter distinction would, however, have little importance. As to the system of partial renewal of the Senate, if it should take place at the same time as the election of the entire Chamber of Deputies, and if the majority should be found to be different in the two assemblies, this could be attributed only to that portion of the Senate which had not been re-elected, which would thus no longer find itself in conformity with the existing ideas represented by universal suffrage. If we have, however, two chambers which both represent universal suffrage, the entire influence ought, necessarily, to be ascribed to that one which represents as a whole the existing will of the country. The Senate, therefore, would be nothing more than a fifth wheel of which no farther account

\* See Pyfferoen, "*Du Senat en France et dans les Pays Bas*," p. 16 et seq.



would be taken. Should, on the other hand, the partial re-election of the Senate not coincide with the election of the Chamber, and if it should be discovered on a new senatorial election that the majority had changed, it would be this body which represented the existing ideas of the country. The Senate would, in this case, annihilate the Chamber of Deputies by reason of the authority of the new popular mandate. Thus, one of the chambers would in turn destroy the other morally, until at last one of them disappeared altogether.

It is not necessary to review here all the plans, counter-plans and amendments presented to the Chamber at the time of the senatorial reform. The history of this has been given in a very complete and very exact fashion by Professor Currier in the notice to which allusion has already been made. It will suffice to note the results, and especially the innovations introduced by the law of December 9, 1884. These may be arranged under four headings.

First, the life memberships were abolished for the future without, however, suppressing the already existing ones, so that the senators belonging to this class at the time the law was passed in 1884, were to keep their seats for life. But, as vacancies occurred among the life senators, their places were to be filled by persons elected no longer by the Senate, but in the manner prescribed for the other members and for the same period.

Secondly. A new distribution of seats was implied, owing to the necessity of distributing among the departments the seats formerly occupied by the life members. It is well known that the distribution of the departmental senators, as it had been arranged by the Constitution of 1875, had given rise to active protests on the ground of its injustice. It would have been possible in the new distribution to have apportioned the entire three hundred senators among the departments (since all the senators were hereafter to be elected in the departments) according to the population. This would have involved a radical change and was not accepted. The Assembly

contented itself with simply distributing the seventy-five seats of the life senators, taking into consideration the population of the departments, with a view of correcting, so far as possible, the more obvious discrepancies of the earlier system. Paris which had had but five seats, now had ten; le Nord, eight. An additional senator was given to the majority of departments which had had but two, so that most of the departments to-day have three senators; although some still have only two.

Thirdly. The electoral body provided for the choice of the senators was given a broader basis. When the system of election by universal suffrage had been rejected, there was nothing to be done except to introduce a system of proportional distribution in the case of the municipal delegates, instead of the equality established in 1875. Gambetta, in his plan for constitutional amendment, had proposed a system of this kind, involving an exactly proportional distribution. The government, however, in 1884 took a very different view of the matter. The proportional system would have given a considerable number of delegates to the large towns, so that in certain departments the election would have been in the hands of the delegates of one or two of the great cities; and the influence of the councillors general, and the councillors of the arrondissement would have been very much decreased, as well as that of the delegates of the smaller towns. In other departments the election would, on the contrary, have been, as in the past, in the hands of the rural delegates. A law establishing the proportional system would have produced, from a political standpoint, very various and very fortuitous results. The government, at that time, had an entirely different aim, which was to insure the predominance to the towns of moderate size. It was at bottom purely and simply a party manceuvre, since the towns of medium size were, in the main, friendly to the party in power in 1884. As for the larger cities, where in general there is a predominance of the industrial element, the government was

apprehensive of their influence. They were suspicious too of the rural communities, upon very different grounds, however. In short, the towns of from five to ten thousand inhabitants were those which the government of 1884 had in mind, and a method was found for securing them a preponderating influence.

A progressive system was invented, based, approximately at least, upon the number of municipal councillors. Now, on the one hand, the number of municipal councillors was not exactly proportional to the population; on the other hand, the system of progression, determined upon in fixing the number of delegates, is very far from being absolutely proportional to the number of those officers. It is a most arbitrary system, based upon no single principle. One delegate is given to ten members; two to municipal councils having twelve members; three to those having sixteen; six to those having twenty-one, etc. Councils having thirty members have fifteen delegates; those having thirty-six have twenty-four; finally, Paris has thirty delegates. This, then, is the outcome of the system.\* Communes having from fifteen hundred to twenty-five hundred inhabitants, for example, have sixteen councillors; they are given three delegates. Communes having from twenty-five hundred and one to thirty-five hundred inhabitants have twenty-one councillors, and are entitled to six delegates. A commune of three thousand inhabitants has exactly double the number of delegates that a commune of twenty-five hundred has. Complaints were made before 1884 that the interest of the large towns was sacrificed. Paris, for example, only had one delegate, and found itself confronted with ninety-six delegates from the neighboring communes. It is true that in order to insure the influence of Paris in the electoral body, twenty-seven deputies and eighty councillors general who represented this city were added, this making in all one hundred Parisian

\*See "*Manuel de droit constitutionnel*" by Saint-Girons. Second edition and appendix, p. 657.

electors, as against ninety-six from the surrounding districts. A similar contention might be made in favor of other large cities. We have a mongrel system here which rests upon no principle, and what is worse will demand sooner or later a new revision of the constitution, which may result in the acceptance of universal suffrage in the absence of any other satisfactory solution. In this lies a very real danger.

Fourthly. The law of 1884 modified the previous conditions of eligibility. It was in fact one of the most remarkable characteristics of the Senate as constituted in 1875, that the principle followed in this respect was exactly the opposite of that adopted for the Chamber of Deputies. In the latter officials were declared ineligible, except in the cases mentioned in the law.\* On the contrary, in the organic law relating to the election of senators (Law of August 2, 1875), we find no such clause, only certain functions are enumerated as incompatible with the position of senator, proceeding thus by enumerating limitations. Hence, eligibility in this case is accepted as the rule, precisely the opposite method to that established in the case of the Chamber of Deputies. Moreover, in the Senate, as organized in 1875, we find no instances of absolute ineligibility, but simply certain cases of relative ineligibility. That is to say, an official cannot be elected in the district in which he performs his functions, but this does not prevent him from offering himself for election elsewhere. Military persons in active service even are not declared ineligible. In principle, then, there is no condition of ineligibility based upon office, and no incompatibility between public functions and the position of senator, except those instances enumerated in the law. The difference which exists between ineligibility and incompatibility should be noted. In the case of ineligibility the election is void and must be declared so. In the case of incompatibility the election remains legal but the individual elected must choose between the position

\* Organic Law of November 30, 1875. Articles VIII, IX, XI, XII.

which he occupies or to which he may be elected later, and his position in the Senate.

This was the system adopted in regard to officials, for the Senate of 1875. The aim was to obstruct as little as possible the admission of officials to that body. All this is attributable to the idea which led to the creation of a class of senators elected by the Senate. This body was regarded as destined to embrace such high personages as it might desire to summon into its midst, and who need not consequently rely for election upon the ordinary electoral body. Hence, since the Senate was to be the assemblage of men of all capacities, it was but natural to include certain high functionaries, capable of enlightening that body by reason of their knowledge or abilities. This idea was entirely changed in 1884. A Senate accessible, in a measure by right, to those of the greatest capabilities and to certain high functionaries was considered a body of aristocratic tendencies or at least as likely to suffer from the influence of the government. It was wished to reform all this, hence the suppression of the class reserved for election by the Senate, and the change in the system so far as it related to government officials, and to incompatibility of office.

In 1884, no conclusion was reached on the subject of incompatible positions, but an ineligible class was created, namely, the military. Military persons are declared ineligible, except marshals, admirals and certain staff officers. It was proposed to make an exception in the case of the division generals, at least for the former ministers of war. For all such suggestions, the government had a ready reply; they would be incompatible with discipline. No soldier, it was said, should accept a position which puts him in the situation to criticise the acts of the government. It would not seem, however, that the discipline had suffered much by the presence of certain officers of a superior grade in the Senate before 1884, and in any case it is to be regretted that we can not have in either of the chambers professional men for the discussion of technical questions.

As regards incompatible offices, the Senate passed on the eighteenth of December, 1884, a general bill relating to the incompatibility of office, so far as this was connected with the legislative bodies, and applicable, consequently, to both chambers. The principle of the equality of the two chambers was thus taken for granted, that is to say, the difference in conception between the two chambers, which existed in 1875, was disregarded. The same reasons which required that an office should be declared incompatible with the position of Deputy should apply equally, it was said, to the position of Senator. This bill of December 18, 1884, takes as its starting point the principle enunciated in Articles VII, IX, and XI of the law of November 30, 1875, relating to the election of deputies, providing that the exercise of public functions paid for from the state treasury, is incompatible with a seat in the legislative bodies. The bill enumerates certain exceptions, and contains, moreover, certain important clauses relating to deputies and senators who associate themselves with a society or financial company having in charge public works for the state, and also to deputies and senators who allow financial companies to make use of their names in strengthening their credit. This bill, however, has not as yet become a law. As a transitory measure, it was decided to pass a law (December 26, 1887) which, so far as this matter of incompatibility is concerned, puts the Senate on the same footing as the Chamber of Deputies.

Finally it was necessary to supplement the body of the laws relating to the Senate, passed previously to 1875, by a law (passed August 10, 1889) regulating the procedure to be followed in the Senate when sitting as a high court of justice. This law was simply mentioned in a note, without being translated in Professor Carrier's edition of the Constitutional Laws. It, however, fulfilled a promise made by the constitution itself. Article XII of the law of July 16, 1875, provides that a law shall be passed to determine the mode of procedure in the accusation, trial and judgment of cases

coming before the Senate as a court of justice. This forms a part of that group of measures which were passed somewhat precipitately during the period of excitement over Boulanger. All the Constitutional Laws, bearing this same date of 1889, bear the same mark. They are all "*lois de circonstance*." It is not necessary, however, to expatiate upon these details of procedure, or upon the jurisdiction and functions of the Senate acting as a court of justice, inasmuch as this has only a very secondary importance in the subject which engages us here.\*

It is important to determine if possible, to what extent the power of resistance and the authority of the Senate has been increased by its conduct during the excitement over Boulanger. It showed an energy at that time equal, at least, to that exhibited by the Chamber of Deputies, in defending the constitution against the violence which was directed against it, and this has brought with it a gain in confidence and popularity.† No doubt, at every indication of friction with the Chamber of Deputies (and it is above all in regard to the budget that difficulties present themselves, almost periodically) there are always some who cry out against "the Versailles Constitution handed down by the Monarchical Convention of 1875." But, it would seem as if the younger political generation was less affected by this protest of the radicals, which has become somewhat archaic, and rests upon principles, almost metaphysical in their nature, which social science has brought to light, and which a certain very laudable dilettanteism hinders from developing into articles of political faith among the newer generation. The older radical theories meet, therefore, with a less cordial reception. The Senate, moreover, has gained a greater importance in the eyes of the republican party, and has, since 1889, dissipated many suspicions.

\* This subject is treated in Felix Moreau's excellent "*Précis élémentaire de droit constitutionnel*," Paris, 1892, p. 305 et seq.

† Cf. Henry Desplaces' "*Senats et hautes cours*," p. 608.

While the number of its adversaries diminishes from day to day, there is a general feeling that the Senate ought to be elected by universal suffrage. Yet it is difficult to see what the adversaries of the Senate can gain by this, for it is very certain, as M. Léon Say said at the time of the revision in 1884, that this would be the only way of giving the Senate an authority, which, in view of its permanence, would ordinarily relegate the Chamber of Deputies to a subordinate position. Far from tending to diminish possible conflicts, the election of the Senate by universal suffrage would only render them more bitter, since the two chambers, both relying upon the authority of the same electoral body, would neither of them willingly give way. This would be a long step toward assimilating the Senate with the Chamber of Deputies, and this assimilation would become complete if it were determined, as some would have it, that the Chamber should be re-elected in rotation instead of on the present system. If these two reforms should ever take place, and there should be in France a Senate elected by universal suffrage, and a Chamber whose members were re-elected in rotation, it is very certain that there would be nothing left except to suppress one of the two bodies, for one of them would certainly be superfluous.

It is quite possible that the establishment of the system of partial re-election, in the case of the Chamber of Deputies, is one of the means by which those who favor it hope to insure the Senate against any attempt hereafter to introduce universal suffrage. However this may be, nothing justifies us in anticipating that the existing tendencies will hasten the disappearance of the bi-cameral system. The experience we have had with a single chamber, in the case of the later meetings of the National Assembly, has only proved the futility of a double vote and of a discussion by each body separately.

Nothing would indicate that a fundamental modification in the constitution of the Parliament is probable unless



perhaps certain customary changes, as, for example, the substitution of general tickets for the district system; which means very little in France, inasmuch as the pendulum swings regularly back and forth. We may not even hope for an attempt to introduce proportional representation, at least so far as it relates to the election to the Parliament. For should this reform be adopted, it will be applied in the first instance to the municipal elections.

In other words, it would seem as if the present organization of the French Parliament was, in its main features, assured for a long time to come. Moreover, many anxious for revision, who, under pretence of an amendment to the constitution, have the Senate especially in mind, seem to take very little account of the rôle which an upper chamber should play under a parliamentary régime, especially its action as regarded from a political standpoint. They consider it as simply a chamber of resistance, and ascribe to it the failure of all the reforms undertaken by the radical party, some of which certainly should demand the attention of Parliament. For, even if we may contest the value of the actions of the radical party, it cannot be denied that this is practically the only one in France, among the various factions of the republican party, who bring up questions, formulate programs, and undertake social reforms. There is, for example, scarcely any other faction except those belonging distinctly to the opposition, which dares to denounce the proposed annihilation of all government. Their assertions, however, contain much that is misleading.

The Senate has never hindered any measure when there was a strong government which made its authority felt, just as the House of Lords has never placed any obstacle in the way of democratic development in England. The upper house, under a parliamentary system, has scarcely more than a mission of control, so far as the general political direction properly so-called and the legislation associated with this are concerned. If we may speak of resistance at all,

we can only refer to momentary resistance.\* The Senate exercises, in reality, that famous suspensive veto which the head of the state, under a parliamentary system, can no longer make use of.† Its real mission is to serve as an organ for the opposition of public opinion against the hasty action of the lower chamber. Every parliamentary assembly is, at a given moment, dominated by personal and factional interests. The tyranny of suggested reforms takes possession of it so soon as the program is sketched out, and in the way to be realized, and frequently carries it beyond the wishes of public opinion. It must have some check, and this is the purpose of the Senate. In view of this, the King of Belgium has demanded a referendum. But before undertaking to settle the conflict directly by the people, a more reliable arbitrator may be called in, namely, the upper house. Its rôle is to sustain the government, when this finds itself face to face with a chamber which would subject it to its wishes. But, on the other hand, everybody agrees, and there is an abundance of facts to establish the truth of this assertion, that with a strong government, backed up by a solid majority, no prolonged resistance on the part of the upper chamber is possible. The suppression, therefore, of the Senate would not lend that force to the government, the absence of which the radical party in France deploras. The Senate will always be practically the tool of the government; the whole question being to get a government. There, in truth, is the burning question in the future of the French Constitution, and upon this point a few observations remain to be made. We have seen what the French Parliament is, we must now consider its authority in general, especially in relation to the executive power.

\* Cf. Laveleye "*Le Gouvernement dans la Démocratie*," Vol. ii, p. 16.

† Cf. Van den Heuvel, "*Lettre sur le Referendum en Belgique*," in Deploige "*Le Referendum en Suisse*," also the same author's "*De la Révision de la Constitution Belge*," p. 135. Cf. too, Felix de Breux "*Questions constitutionnelles et sociales*," Bruxelles 1893, p. 73 et seq.

## PART IV.

In what precedes, there is mention of scarcely anything except the external modifications of the constitution, that is to say, those changes which have taken the form of alterations in the law. The most profound modifications in the government of a country, however, are the internal ones which show themselves in the great currents of public opinion, ready at a given moment, to give to public policy, and, consequently, to the working of the constitution an absolutely new and unexpected direction. Such currents are, in general, of two kinds. There are those which have their origin in political parties, and which show themselves most frequently in the opposition party. These are generally only simple tendencies, and constitute hardly more than a state of mind. It would be dangerous therefore to attribute to these, before they reach a point where they could take the form of positive laws, any part in the normal play of the constitutional machinery. But there are other currents. In the first place, those which result from the manner in which the constitution is applied by those to whom its care is entrusted—political bodies, assemblies and the government. It goes without saying that this constitutional practice forms a part of the description and study of the constitution itself. It gives a legal definiteness to rules which are habitually applied and transform these into acquired rights. There are other currents which, while they do not originate with those who share in administering the constitution, have, nevertheless, developed from a condition where they formed simple political formulæ into accepted customs, becoming a part, consequently, of the national consciousness. This class of conceptions finally becomes sufficiently definite to develop into judicial ideas. They are, so to speak, rights existing in a latent state which at the first opportunity will assuredly appear as positive rights. Such currents affect the constitution, inasmuch as this includes not only the legal and

written envelope, which makes it a purely judicial phenomenon; but includes the whole social structure of the country as well. \*

It remains then, in our study of the constitutional evolution of the third French Republic, to take up from this double point of view, the tendencies which have become apparent, leaving aside everything which is only a simple manifestation of political opinion. The subject can obviously be treated only in a very broad way.

A first point which is recognized by every one, is the constantly growing authority of the Parliament; especially the preponderating influence of the Chamber of Deputies, and the consequently more and more subordinate position of the ministries. The head of the cabinet no longer gives any definite direction to the governmental policy; he drives before the wind. He is not at the head of a majority which is capable of following him; but is the timid servant of this majority, when it exists, or is most frequently obliged, since no such majority does exist, to concoct in advance some kind of coalition upon which the fate of the ministry may rest. He must, consequently, adopt a line of conduct, whatever it may be, which shall serve as a rallying point for the more or less hybrid grouping which may constitute the majority for the time being. If the prerogatives of government are thus practically non-existent in its immediate representatives, they are even more completely foreign to the position of the President. There is, consequently, a stronger and stronger tendency toward a condition in which the Parliament will control all the powers of government. While the same phenomenon is perceptible in England since the extension of the right of suffrage, in France this tendency is characteristic of an entirely different school, that which maintains the Jacobin tradition, and is favorable to single and

\* For these points see Tiedeman's suggestive work on "The Unwritten Constitution of the United States" (*passim*).

sovereign legislative assemblies.\* Their principal dogma is that the assembly of representatives of the people forms the depository of popular sovereignty, and that this is consequently an authority before which all should give way. It is evidently to this school to which those belong in France who are constantly talking of the respect due to universal suffrage, and who regard in this light the absolute sovereignty of those chosen by that suffrage. Not only is this held to be true of the representatives as a body, but even of individual members. A deputy entering one of the ministries sometimes appears to regard himself as the embodiment of universal suffrage itself, giving orders on its part, and deciding for it in the selection of the government officials. We discover a deputy of this class involved in a street brawl. Universal suffrage, one would infer, was manifesting its sovereignty in his person, and forcing everyone, the authorities above all, to give way before its inviolability. These traditions which have become classical in France, have certainly served to increase the authority of the Parliament. It is not, however, at all certain (and this is a symptom upon which we cannot congratulate ourselves too heartily), that this conception of a sovereign body, as the depository of popular sovereignty itself, is the one which is gaining ground, and which serves as a foundation for the rights of Parliament in the preponderating opinion which is gradually forming on this point.

In the first place the existence of a second chamber remains a terrible obstacle to this conception of a body which is the sovereign depository of the popular will. This depository cannot be imagined as divided since will is one in its nature. Now, as we have observed above, any disposition to return to the system of a single chamber seems out of the question. There is no serious tendency perceptible in France in favor

\* The only attempt to set forth the advantages and the dangers of the parliamentary system as it exists on the Continent is to be found in Laveleye's "*Le Gouvernement dans la Démocratie*," Vol. ii, p. 93 et seq. See also Burgess *op. cit.*, Vol. ii, p. 13 et seq.

of a change of this kind, and the number of those who favor such a system are, as a matter of fact, growing less and less. Having admitted this, it may be accepted that all which the faction in favor of a single legislative body has lost, is a loss at the same time for those retaining the conception of a sovereign legislative body which shall be the depository of the absolute political sovereignty. If the Parliament finds its influence, as well as its powers, increasing it is because it has assumed an authority for itself which belongs to it, as an organic body, the manifestations of which very soon become acquired rights. The French Parliament is becoming a corporation which is gaining a hold on the country; whose influence is increasing, and whose rights and powers are enlarged in proportion to its activity in extending its domination. But like every political corporation, as, for example, the Parliament of England, however great and extended its rights and powers, this powerful body never has anything except rights and powers; it does not embody in itself right and power, it is one of the organs of sovereignty, and not sovereignty itself.

What has become of the presidential powers and functions in the face of this somewhat aggressive body? The political authority of the President of the Republic has been formally more and more diminished, whatever may be the personal influence which, from several points of view, M. Carnot so happily exercised. In this respect some of the most important tendencies have shown themselves during the different crises which return periodically. The phenomena of Boulangisme has no other explanation than the need of a strong power and a will on the part of the government. In no other way can it be explained why so many good, and even serious people, without speaking of absolutely sincere republicans who never dreamed of any kind of coup d'état, allowed themselves to be drawn into the movement. A great many to-day, and this was obvious enough after the scandals of the Panama Canal, still demand

a revision of the constitution with no other aim than to insure the powers of the President of the Republic, and to find a remedy for the excess of the parliamentary power which, ill applied, degenerates into a system of general subjection.

The parliamentary system, as it is modified in France by the minute division of parties, results in a minute division of will, and the absence of any political direction. The form of the laws passed during several years is, when looked at from the standpoint of legislative technique, most deplorable.\* This is most striking in a country which was renowned, and with good reason, for the perfection and superiority of its legislative monuments. Not only are the laws badly drawn up by reason of a want of sufficient preparation. There is an absence of guidance, and the existence of a system of amendment which introduces mere experimentation in the place of clear ideas and well-rounded conceptions. No progress is, moreover, to be anticipated where no determining will is present. This is a social law which is inexorable. To advance is the act of a master-spirit, of a bold and persevering will; not of a group where the courage and confidence of any single representative, will be met by at least ten adversaries. All this is shown by experience.

France which, on account of its political experiments, has always been regarded as taking the lead, and has even carried consternation into the rest of Europe on this account, is now the most conservative, some might say the most backward, of countries, so far as economic, industrial and social reform is concerned. It has a Parliament which wears itself out with trifling quarrels over domestic politics, and which has no leader to guide it in serious progress. In order to combat prejudices, vanquish routine, to make way against intoleration of all kind, a will is necessary, a will which directs and which resists every discouragement. All

\*The passage of bills is sadly interrupted by successive interpolations and by the periodic re-election of members of the Chamber of Deputies. This has been urged by those who advocate retirement of the deputies by classes as in the case of the Senate of the United States.

the acts which have left a mark in the world for good or evil, emanate from a single thought, and it is very exceptional that this unity of thought is to be found in a group of men, except in the case of the gratification of personal passions. But leaving to one side acts which are the result of passion, in order to continue our consideration of those due to reason, we cannot fail to note this infinite subdivision of will, the obstacles of all sorts which present themselves against every bold proposition, and above all the force of reaction which shows itself at the first failure of a measure which is given a trial. Take only one example, let us imagine the curia, launching an encyclical against the workmen. It is very obvious that with the introduction of a parliamentary system in the supreme direction of the Roman Church, all the significant acts of the Pontificate of Leo XIII. would necessarily have been wanting. Not because these were the exclusive acts of one man or of a single thought, for they really illustrate a new tendency of thought which found its representatives in the American and English prelates. He, however, who undertook to make himself its organ, acted by reason of a single will which nothing could impede and nothing discourage.

This effort for unity is a law of all government; the point toward which, by a species of unavoidable social law, every political organization tends when left to itself. This same law is perceptible, not only in the case of personal governments, confided to a single and all-powerful head of the state, but even in the case of elected governments where a single powerful party becomes absolute. We commence by destroying the duality of the legislative organs in order to reach a unitary system, and from the single assembly a committee of government proceeds which dominates the assembly and finally, from this committee, a man who assumes the supreme rôle. This is the history of the Convention of 1792-95. It is the origin, moreover, and the object, of all the efforts directed toward a revision of the constitution



which have shown themselves in France during the last few years. There are on the one hand, the partisans of a personal government, who would like to see a single man, invested by popular delegation, with the plenitude of power. On the other hand, we have the partisans of the radical régime, who wish to realize this unity and despotism by the natural play of the collective government, by means of a single assembly which shall send out through successive selections, on the principle suggested by Siéyès, at the time of the drawing up of the constitution of the year eight, \* all the organs of power, until we reach the supreme despot, who from his exalted station, tyrannizes over all. However this may be, it is certain from the standpoint of history, that every military undertaking of a serious nature, which brings into prominence a really ambitious commander, if it terminates by marked success upon the fields of battle, may put France at the mercy of the victorious general. The need of a governmental will is then the most obvious result of the approved action of the Constitution of 1875. This necessity has been exploited by all the important parties, whether ranked among the factions of the right or of the left. But the question suggests itself, is this unity in political affairs, this will in the action of the government, which makes the exercise of governmental power with firmness and independence possible, incompatible with the parliamentary régime which is the only guarantee which has been so far found against the despotism whether of a single man or of a political group?

Some still believe that the solution is to be found in a return to monarchy. They think that a king, by reason of the principle of heredity, his power being based upon no party and having no re-election to meet, would have a far different kind of authority from that of the president of a Republic, who is only a temporary magistrate, who is necessarily a party-man, and who has no right to forget this fact.

\* Cf. Taine's remarkable chapter "*Le Régime moderne*." Vol. i, bk. iv, Cap. I.

They think that a monarchy might serve as a solid basis upon which modern democracy could count for the realization of the social progress which the parliamentary system by itself would seem to refuse to them and which it seems impossible to realize. The French monarchy, in continuing its rôle, would but continue the traditions of past centuries. For it is certain in France, at least, that without the aid of royalty, somewhat interested aid to be sure, the Third Estate would not have been constituted into a body so completely organized as it has been. It is also true that in order to gain a social organization it sacrificed its political organization, being in this respect too completely dominated by its too-powerful ally. This does not matter, however. These traditions of popular emancipation form part of the historical stock in trade of French royalty.

On many accounts we may draw attention to a book of M. Vacherot\* which has been too much neglected. This is doubtless attributable to the fact that those belonging to the monarchical party have scarcely taken the trouble to inform themselves in this matter. They have made very little effort to draw up a plan of action for social reform, confining themselves, as they do, to personal invective. This group is chiefly composed, in fact, of the victims of the republican policy. A party which is based upon accumulated grievances, however just these may be, is, nevertheless, condemned to impotence by this fact. The idea of reprisal has never been a principle in the guidance of political affairs, although it may serve as an inspiration at certain times.

Politics seems most rebellious to the influence of sentiment and imagination, and yet the only political action which has ever made way for itself in the world is that which appeals to the instincts of generosity of human nature, even if it only promises castles in the air. Utopian fancies, or perhaps simply a certain air of novelty, have always been the means

\* Vacherot, "*La démocratie libérale*," Paris, 1892. Cf. Felix de Breux, "*Questions constitutionnelles et sociales*," p. 94, et. seq.

through which political action gained its end, and without these it could never have succeeded. Was it not Disraeli who gave to the English Tory party this renewal of sympathy for the people, the lack of which threatened to make the English parliamentary system what this great man himself called in one of his romances, "A new Venetian Constitution?" Hopeless of producing any results through the old means adopted by his party, he called to his aid this new generation of which he wished to be the prophet. But where is the new generation of the Conservative French party, and especially of the Monarchical party? Does any one imagine that the repeated recriminations of the Conservative opposition will create this? To live and create is to act; to complain is the opposite of action, and is for a political party inertia and death.

But the character of the adherents of the Monarchical party is not the only thing which excites distrust, when we consider the hopes that might be based upon a new tendency in favor of social progress. The fate of the existing monarchies is only too obvious, condemned, as they are, to defend themselves against any suggestion of personal power. The excess of authority which the principle of heredity has granted them, is necessarily compensated for by irresponsibility, but the moment that the prince becomes irresponsible he inevitably becomes impotent—since on inactivity and political inertia depends his very existence, in face of threatening revolution. Consequently, the modern monarchy can only be parliamentary and the parliamentary monarchy will, more and more surely, result in the complete annihilation of the chief executive by the Parliament. This the Count of Chambord understood better than anyone else, when, in 1873, he refused to submit to the concessions demanded of him.

Hence, leaving all questions of historical origin and of partisan politics to one side, it is not royalty from which we may expect the restoration in France of a strong and salutary

governmental will. By the very fact of the existence of a king, there would be one more obstacle in the way of relying upon the head of the state for that will-power which is necessary to the government, and in relation to which the Parliament should serve as a controlling and not as a despotic force. It may be added, moreover, that the restoration of royalty would prolong in France the system of constitutional opposition, by rallying all the opposition around the republican standard, and, yet for a century, this has been the constitutional defect which has embarrassed France and which has placed obstacles in the way of progress and liberty. Where political parties struggle no longer for ideas, but for revolution, no farther progress is possible; we find only personal conflict and political revenge. Consequently, it may be said, that for some time the old conservative Monarchical party has been losing ground. It has not confidence even in its own forces. Many Catholics have, in this respect, recovered their liberty, thanks to the noble dictum which issued from the Vatican, a liberty for which they sighed.

Many unselfish men who love liberty, and who love the people, who still believe in the political and social future of this noble country of France, are endeavoring to find a new policy which may prepare the way for social evolution without compromising the dictates of justice, and without destroying the principle of liberty. They do not look for means to this end in the re-establishment of royalty, nor can they count upon the parliamentary system as it has shown itself in France during the past fifteen years. Is there then no other resource than the hazard of a popular revision of the constitution which, while maintaining the republic, would give us a president elected by universal suffrage? This, as everyone knows, would put an end to the parliamentary régime, since the authority derived from universal suffrage is incompatible with the irresponsibility of the person elected. The best proof of this is to be found in 1870, when the empire, wishing to introduce the parliamentary system

into the constitution, could not destroy the responsibility of the head of the state. But a republic, governed by a popular head, would obviously be no longer a parliamentary republic. It is even a question whether it would be a republic at all very long, but this might possibly be, should we adopt the system of very short term for the president, as in America, and if a beginning should be made with a very weak president, without any farther personal ambitions. But these two conditions, thanks to historical precedents and the memories which these have left in France, are altogether chimerical, so that a re-organization of the government by a plebiscitum would result, in a prætorian empire, with a succession of more or less dictatorial individuals and a perpetual tendency toward revolution among the people, or in the army, for or against such and such rival leaders. This is the system found in all periods of decadence and among peoples who can no longer govern themselves. Nothing however in the evolution of the present constitution shows us any legal tendency toward such a transformation. There are no doubt advocates of such a change, but no institutional evolution toward a dictatorial system is perceptible.

If we scrutinize the actual development of the present constitution and, consequently, the tendencies shown in the evolution of the parliamentary system, it may perhaps be possible to distinguish certain conceptions in the process of formation, which may furnish a premonition of a modification in the French parliamentary system, a modification toward which all legitimate desires and energies should be directed. Since we need no longer anticipate a coup d'état, but a legal re-organization, it is the duty of scientific men, hopefully to give to scattered ideas a form which shall convert them into principles, circulating as the coin of the realm—principles to which governmental action and existing institutions should hereafter adjust themselves. We need not despair of seeing a new generation arise in France under the present constitution, and without any other reform of

customs and ideas than one analogous to that which Disraeli initiated and developed in England.

The belief that Parliament can govern is falling more and more into discredit by reason of the inability which it has shown to govern in the past. Nevertheless, we are thankful to say that the period of conflict, so far as the question of the constitution is concerned, appears to be closing. Even in the case of the republican party it seems apparent that the system of reprisals and the older Jacobin policy are only factional manoeuvres. It is no more a question of defending the republic, which is no longer seriously attacked, but of directing the government. But it belongs to the so-called "government" to govern, and the Parliament is not the "government."

Parliament from the standpoint of governmental action is only an instrument of control.\* Under the parliamentary régime it has, it is true, one more function than under the simple representative system. Under the latter it is only an instrument to make the laws, while under the parliamentary system it is an instrument of control as well. It is intended to check the government so soon as any abuse of power is perceptible. If it is dissatisfied with the hand which governs it, it rejects it in order to substitute another. It may not, however, substitute itself and become the government itself, but can only transmit the power to another party-head, and in such a way that there should always be a strong and sufficient power, a personal will which can lead and guide the Parliament itself. The Parliament is not a governing body, because groups, however well adapted to control, are incapable of governing. A group may, however, control the transfer of the powers of government. Now, in order that this may take place, two things are necessary—there must be a head of the government and a majority for the government. The head of the government is the head of the ministry, and he must have behind him a solid

\* Cf. Burgess, *op. cit.*, p. 13 et seq.

and compact majority, always ready to support him and to free his political action from parliamentary disturbance, which produces otherwise a chronic state of enervating and servile apprehension. The head of the government, maintained by a disciplined majority, aware of political necessities, should, therefore, have full liberty of action, until there is some abuse of authority on his part or neglect of public opinion, in which case the Parliament transfers the power to another party-head who initiates a new policy which ought to continue until his own abuse of power shall cause the transfer of this power to his opponent. This is the oscillating system which prevails in England and Belgium, exhibiting a most regular action in these two countries. This, however, presupposes well defined and distinctly separated parties, with a strong organization, so that the majority in Parliament shall belong, at least for a tolerably long period, to one of these parties. The formation of great political parties, then, is the first condition for the normal action of the parliamentary system. If these are in perpetual oscillation, constantly dividing into groups, ever ready to disintegrate the Parliament like an undisciplined mob which is always ready to fly to pieces, sacrificing in this way, all party loyalty—no majority, no ministry, no government is possible. It is often said that we lack the men in France; this is, however, a calumny, for it is not the men who are lacking, it is the environment which is wanting to develop their talent.

Let France produce a spirit of free initiative and of free association which the suspicions of a party favoring extreme centralization has destroyed during the last century; let her develop the spirit of discipline which would be the necessary result; let great parties form which would absorb all the living forces of the country, and men will not be wanting. Each parliamentary majority has the leaders which it deserves. There was a time when one party at least in France exhibited this discipline, organized its majority and found a leader; the republican party under Gambetta. It is

true that at this time it still believed that it had to fight in defence of the republic, and that was its watchword. Are we to believe that such party education would not again be possible in France, and might not even become general? Everything, on the contrary, would seem to indicate that this was possible; the most indispensable condition being the cessation of constitutional troubles.

The greatest event in the constitutional history of France in this century is the agreement of everyone, save certain scattered exceptions which are destined to disappear during this generation, to accept the constitution. This event is due to certain accessory causes, as the disappearance of the leading chief dynastic pretenders, and their replacement by successors who do not represent the original party principles; the diminution and impotence of the monarchical parties, and the intervention of the head of the Church. We must, however, attribute this result above all to the way in which the Constitution of 1875, by the modesty of its provisions and the absence of aggressive republican principles characteristic of the earlier period, has insinuated itself into the customs and conditions of the country. The freest scope has been left to historic growth, as the scheme then adopted had no other aim than to furnish a point of departure, leaving to France itself the care of gradually producing a definitive constitution. This definitive constitution, so far as its form and the political system established by it are concerned, has but just been supplied to France. We can now breathe again, and begin to consider the struggle for ideas without troubling ourselves farther with etiquette and pretenders. Let this continue for some time and the outcome will be that the parties will classify themselves according to certain social tendencies; the basis and elements of which are already perceptible.

It might have seemed at first, after the intervention of Leo XIII., that the new classification would take the form which it has in Belgium, namely, a religious one. We are thankful, however, to say that this danger is growing less. We see



that it was, from a political standpoint, only a hoax. Nothing need be said of the effect of this upon the growth of the faith, since the most important questions of practical politics are, in their very nature, foreign to matters of faith, and, consequently, parties which are the outgrowth of different views would, if left to themselves, organize independently of religious questions. It would then be a false view and a misapprehension of the true scope of political action to give a confessional tinge to the discussion of subjects which cannot but suffer by such treatment.

This has happened in Belgium, since the changes produced in the political parties by the disturbances which have been raised in regard to revision, alliances have been formed between the members of the two great parties of former times, the Liberals and Catholics, without taking into consideration the fact that these old lines of cleavage are destined gradually to disappear and to give place to other groupings which are larger and in which the religious question will only find a place as the consequence of the political idea which we have of liberty in general.

The idea of liberty tends, however, to resume its older meaning, and the chief points of discussion will probably be the conceptions of the intervention of the state, freedom of association, respect for religious matters, (excluded henceforth from the field of politics properly so-called,) and the protection of industrial interests by a system of syndicates, practically applied. Finally, there is the important question of communal decentralization, that is to say the destruction of the uniformity now imposed upon municipalities both in the matter of administration, and even in elections, so as to permit certain local political experiments, such as, for example, the partial application of proportional representation. The existing system explains why reforms are so slow in France. They must be made *en bloc*, for the whole country; while they might have a good chance of success by progressive propaganda, if private or communal initiative

could put them into force locally. All this is, of course, only in a state of preparation, and is not yet realized, but we shall soon reach the point where we Frenchmen may be classed into two chief political groups, those who would defend the old conception of political and economic liberty, and those who would favor a progressive evolution. We can distinguish in this last group, the partisans of individual initiative, who, while defending the interference of the state, admit a diversity which shall correspond with the notion of liberty and decentralization; and those, on the contrary, who are the partisans of a certain uniform ideal which they would like to see realized by the state and who are accustomed to reserve for themselves the name of Socialists. Both have always had a common basis, namely the greatest freedom of association,\* since that is the only instrument which can serve for the realization of individual efforts, and, consequently, of continued social progress.

How these great political parties will finally group themselves and what their chief idea, since they must have one and only one, will be, is the question which presents itself in closing this study. It is certain that a classification will come, sooner or later, and the action of Parliament will be rendered possible anew by the mechanism of party organization. Of course, some Jacobins will be left, ready to awaken old religious hate and to favor the return of group despotism in the form of single assemblies. There are no doubt partisans of personal power of the imperial or Boulangist type. These are scattered relics of the past which remind us of the terrible constitutional struggles which France has undergone in the nineteenth century. They maintain the unfortunate tradition of anti-constitutional parties, owing their existence to the overthrow of the constitution and a change of régime, instead of being parties grouped about certain social ideals. But the parliamentary system of

\* See an admirable article by M. Dareste upon "*La Liberté d'association*" in the *Revue des deux mondes*, Oct. 15, 1891.

the future, it may be hoped, will find it less and less necessary to reckon with these struggles of former times. Liberal and progressive elements will be included, but the system will not act normally, and this is the consoling phenomenon which is beginning to become apparent, except on condition that the liberal and progressive elements shall respect the constitutional mechanism which they have to control. Confident of the future, they will be enabled by powerful and persistent effort to become the instruments of broad historical evolution, and will not rely for progress on the written formulæ in a constitution or upon a coup d'état.

It is true that this evolution in France meets a very serious obstacle in certain traditions which have become a peculiar trait of mind. But, on the other hand, along with this hinderance, a contrary tendency may be detected, favorable to the evolution of parliamentary action in the sense which has just been described above. It may be maintained that the application of the republican form of government to the parliamentary system can give this latter a new elasticity, the results of which cannot as yet be foreseen, since the direction of the political movement has not yet been defined, effort having been confined to the defence and acclimatization of the republican régime. It is high time, however, to study scientifically the important influence of republican institutions. In this way the ideas may best be realized which have just been indicated as necessary for the future of the parliamentary system in France. Two things remain to be pointed out in order to finish this essay.

The obstacle, above mentioned, is found in the traditional conception entertained in France, of the function of the state. This is believed to be invested with a mission as a teacher in philosophic and religious matters, a fact which can be accounted for historically. Under the *ancien régime*, and according to a notion universally accepted, but especially prevalent in a country having religious unity, the state was the guardian, not only of public morality, but of the religion

of the country. It had, consequently, a religious doctrine and moral principles. The revolution necessarily changed this. Its aim was to establish a condition of things exactly the opposite of that which existed before. It, too, must assign to the state a doctrine and moral principles, but these were opposed in every respect to the former ones. The precise conception of the state as a philosophical instructor and school-master matters little, however, since there has been but slight change in either respect. To-day the state is scarcely looked upon in any other light, and hence the paralysis by religious difficulties of so many good intentions in France is explained. A whole party, that which has predominated heretofore among the republicans, believes its mission to be the maintenance of an anti-religious or, as it is ordinarily expressed, without indicating very clearly the difference, an anti-clerical attitude.

Unfortunately, the Conservative party, at least as formerly constituted, should they return to power, might believe it to be their duty also to have a theory and political principles which the state ought to teach and defend. There is current talk of a Christian social state and other similar suggestions. Are we to understand by that, a social state which leaves all freedom of expansion to Christianity, or is there the secret desires for a political state whose institutions shall adapt themselves to certain religious formulæ? It is this kind of imprudent talk which deprives the Catholics in France of all the influence which they might and ought to have, and which arouses so many suspicions against them. Thus we see that the burden which history imposes upon the Old World is very heavy. It draws, as it were, a circle about the older lands from which it is difficult for them to escape, in order to join the advance guard of modern times.

With the diversity of opinions, of principles, and of schools which characterizes the modern period, and which may be lamented as an evil, but which must nevertheless be faced as a fact, the action of the state must be reduced to a minimum in

the performance of religious and philosophic functions of whatever kind, restricting itself above all, to industrial and economic duties. Moreover, this idea of a modern state implies the greatest liberty to private as well as collective initiative,\* so as to leave to the domain of freedom and of association, all that wide range of duties which are connected with religion or philosophy, and, consequently, those relating to education, and even in a great part the function of instruction, so far as this is synonymous with the moral formation of the individual. So long as the political parties continue to strive for the triumph of religious doctrines, or metaphysical views, in the broadest sense of the word, there is little to be hoped for from a regular application of the parliamentary system. The views upon the questions which ought to belong to the province of the state and of the government—economic and social problems, administrative reforms, etc., will be disturbed by an undercurrent of dogmatic thought, and heterogeneous elements will be introduced into the formation of the parties, foreign to the points of view which should serve as the nucleus of cohesion. The policy of concentration will be retained by the right as well as by the left, who will rally the most diverse parties by a single watchword, forming artificial majorities always ready to disintegrate so soon as the true questions upon which the action of the state ought to be concentrated arise.

This is the idea of a modern state and of its functions which must be emphasized. It must be defended against the Liberal party, in the narrower sense of the word, which would, even when it is a question of the proper province of the state, that of realizing the interests of the public order when private initiative is not sufficient, impose in every matter the maxim of "*Laissez faire et laissez passer.*" On the other hand, the intervention of the state must be checked, as against the theorists of every school who would attribute to it functions which do not belong to it. On the

\*Cf. Burgess *op. cit.*, Vol. i, p. 83 et seq.

one hand, the province of state intervention must be defined and controlled; but in those matters which belong to the state its mission should be defended and its resources increased.

Are we justified in hoping that this education of political parties is possible in France? The reply is a difficult one, but it may be said that there seems to be decisive proof in favor of this possibility. It seems apparent that in the political field the prospect of artificial combination, both on the right and on the left, is at an end, and that there is a readiness to grant liberty of action to each, conformably to its spontaneous tendencies. Groups can form which not only have no constitutional label, but which shall have no secret religious or philosophical platform—parties which shall seek to realize social and economic reforms, leaving to freedom, complete and unrestricted, without fear of theories or religious sects, the care of the moral and religious interests of the country. If this education could be realized, the formation of great political parties would be facilitated. May they not perhaps be formed upon this very basis of the conception of the modern state? One of them favoring the restriction of the state to the minimum field of action, but without supporting the idea of non-intervention in matters which belong to it; favorable, therefore, to liberty, but not to liberalism. The other party would advocate on its part, the application of certain philosophical conceptions in regard to social problems, and depend upon the centralization and administrative unity which have been at once the strength and the weakness of modern France, for the realization of their ideas. Every indication would lead us to believe that such will be the great parties which will enter the lists in the parliamentary system, as it promises to exist in France in the future. Let this movement, which has already commenced (as may be seen in the interesting political speeches of the electoral campaign during the summer of 1893, in the policy of the chief representative of

the moderate Left, as well as in certain characteristic attempts made at the election itself) become firmly established and the parliamentary system will be rendered feasible and fruitful.

But there is another point which has not been sufficiently treated, namely: What modifications may the introduction of the republican form of government, that is to say, the system in which the head of the state is elective and temporary, produce in the action of the parliamentary system? This system owes its existence to the necessity of finding guarantees against the abuse of power by the hereditary head of the state. Why, then, should the guarantees be maintained, since the danger of personal government no longer exists in France? It is well understood, as it has been said above, that the maintenance of the parliamentary system would be essentially impossible in a republic where the president was chosen by direct universal suffrage, or by an election of the second degree. An illustration of this may be found in France in 1848, and, to-day, in the United States. It was precisely with the view of maintaining the parliamentary principle, or as we may say, the irresponsibility of the head of the state which forms the keystone of the system, that the Constitution of 1875 vested the election of the president in the National Assembly. A considerable group advocates, at present, the election by universal suffrage, adding, as a logical supplement, the referendum for the benefit of the head of the state. This referendum, as is well understood, is optional, destined to settle conflicts between the executive power and the Parliament by a simpler and more convenient process than dissolution. We should have in this way a system where the president governs directly with the people, and relies exclusively upon the people. This would mean, in France, the abdication of the people in favor of their head, that is to say, precisely the opposite of the parliamentary régime. Laying aside our prejudices on this point, there

would seem to be little more chance of success for this movement than for the suppression of the senate. It is, in fact, this latter reform, should it be realized, which would inevitably, some day or other, lead to the first. Everything depends upon the present constitution, and should one of its elements disappear, this would result in a complete transformation.

It is possible, finally, that the system of direct government by the people may become the system of the future; but that presupposes a decentralization similar to that of Switzerland. This would imply, however, an education of the masses which has not yet been carried out, which in fact, is entirely wanting, since the public has been scarcely found mature enough for simple suffrage applied in the choice of representatives. It is, consequently, out of the question to think of allowing the people, as they are organized at present, to vote upon the laws. Let us maintain the existing form then, even if a transitional one, of a government left in the hands of elected groups.\* And since we can only foresee the development and logical evolution of the parliamentary government, we must base our system on the hypothesis that this will continue to exist and try to estimate how the system will work with a head elected by the Parliament.

So far, the presidents elected in France have been chosen to a position of neutrality, destined to remain in the background and maintain an equal balance between the parties. They were admirably adapted to a position of irresponsibility, like that of a constitutional king, but with less personal and social influence which has made them inferior in a way to the princes in parliamentary monarchies.

Those who drew up the Constitution of 1875 did so in a spirit very respectful toward parliamentary traditions. This was due, with some, to a definite notion of the rôle of the head of a parliamentary state. With the majority, however, it is attributable to their system of subordinating the executive

\* Cf., on the future of the Referendum, Laveleye, *op. cit.*, p. 146 et seq.



to the legislative power. The disarmament of parties at the presidential elections was also promoted by the subdivision of parties, of which we have spoken above. But can we flatter ourselves that this condition will be a permanent one? Should the formation of great parliamentary parties take place in France with the continued predominance of a strong governmental majority, belonging alternately to the different groups, can we imagine a presidential election taking place during the predominance of a real and disciplined majority, and still being carried out upon the basis of absolutely disinterested policy? That is improbable since the majority which was in power, when the National Assembly was summoned for the election, would, necessarily, place one of its own members at the head of the state. Undoubtedly, not its active head, destined for conflict and not for an irresponsible position, and who would be reserved for one of the great positions, like that of First Minister, for example, but some one who would sustain him and whose influence would support the Cabinet.

It would happen, necessarily, under a parliamentary republican régime, that the president of the republic would be, in a way, designated by the Parliament at the same time as the ministry, and that he would act in harmony with his Cabinet, as in America. With this difference, so far as the United States is concerned, that the organ of the executive power emanates from popular suffrage, instead of being chosen by the National Assembly as in France. But in France, should both president and ministry proceed from parliamentary majorities, what would become of the theory of irresponsibility? Would it still be possible in practice? We all remember what happened under the government of Thiers, who was only another minister without a portfolio, and who was obliged to retire upon a vote expressing a want of confidence in the ministry, which was identified with him. In any case, we can imagine the power which the government would possess, so soon as the head of

the state, the ministry, and the parliamentary majority, should go hand in hand, and those who complain to-day of the weakness of the government may reassure themselves for the future in considering this result. Is it not obvious, too, in view of this triple governmental power, that the existence of an upper chamber, occupying the position of mediator, would become more and more necessary as a counter-weight to the despotism, at least, momentary, which might result from this political consolidation?

The parliamentary system, combined with the election of the head of the state by the Parliament, is a parliamentary system which may become an instrument of government of the first order, for so soon as the majority shall find itself dominated by two powerful forces, proceeding from it, the president and the ministry, it will immediately, and necessarily, submit to their directing influence. Here we should have an executive power which would give an impulse to the majority, instead of being dominated by it.\* We must maintain, by means of popular suffrage and repeated elections, all the influence and free play of universal suffrage, so as to allow the changes in public opinion to make themselves felt, and leave to the people the means of checking at times the despotism from above, reserving to a permanent upper chamber the function of maintaining firmly the traditions of the country.

It is obvious, however, that when these combinations take place, the system of a long presidential term becomes impossible, in view of the solidarity which would practically have been established between the president and the general policy of his government, so that, the majority having overthrown the ministry, it might sometimes be difficult for a president who is too much involved in the issues not to follow the ministry. Undoubtedly, it would not always be so, for the

\* It must be kept in mind that the President is elected, not by the Chamber of Deputies alone, but by both Houses which gives him a certain independence in the face of majorities in the Lower House. This obviously permits a coalition with the ministry against such majorities.

system so established would be the most elastic imaginable, allowing a succession of insignificant and neutral presidents, occupying the position held by constitutional kings, and contented with this modest rôle like the President of the United States.

There is no reason to be apprehensive, in taking this view of the situation, if one change be made. The presidential period must be shortened, the seven years now established being due to a historical accident, the Septennat. With the presidential term somewhat shortened, the perspective of increased personal authority would create no apprehensions in view of the possible "revanche" on occasion of a downfall, and of the possibility of substituting a neutral president for a brilliant and active one. This is the fundamental constitutional modification which will force itself upon us sooner or later. It would not, however, be an attack upon the Constitution, but a means of facilitating its action by introducing into the parliamentary republican system something which distinguishes it from the parliamentary monarchical system, for at bottom they can never be the same thing. A president of a republic has no traditional or social influence upon which to rely. It is necessary through the method of election and the mechanism of the constitution, that he should exercise the political authority which shall counter-balance the exercise of governmental authority.

The French Republic will exhibit in the future a mixture of monarchical parliamentary principles, and of the ideas which inspired the Constitution of the United States. In other words, personal authority vested in the head of the state will be combined with the influence of parliamentary government. It has, moreover, been claimed by some that the parliamentary system has begun to be introduced into the American system, at least there is a tendency in this direction.\* The French parliamentary system will adopt

\* See, for example, "Congress and the Cabinet," by G. Bradford, *ANNALS OF THE AMERICAN ACADEMY*, November, 1891, Vol. ii, p. 289, and November, 1893, Vol. iv, p. 404, also "Cabinet Government," by Freeman Snow, *ibid.*, July, 1892, Vol. iii, p. 1.

certain practices and conceptions borrowed from the organization of the executive power in America. This will be its evolution in the future. It is of the utmost interest to observe how this development is taking place in France, gradually and unconsciously, by the progress of events, in opposition to programs posted up by parties and in spite of all the attempts to revise the constitution. It is this social law which it has been our object to emphasize as characteristic of the evolution of the constitutional laws in France.

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## THE ETHICAL BASIS OF DISTRIBUTION AND ITS APPLICATION TO TAXATION.

The consideration of questions of justice will or will not lie within the scope of economics according to our definition of that science. But the narrowest definition can hardly destroy the interest that is almost universally felt in the ethics of distribution. The most feverishly careful economist always fails to discuss the question of distribution without bringing in ethical considerations, and it is no longer regarded as possible to discuss the question of the distribution of the burdens of taxation without dealing with questions of equity and justice. The self-styled "ethical economist," however, is apt to be a sentimentalist who mistakes his sentimentalism for moral philosophy, and, probably for this reason, the self-styled "hard-headed" economist is extremely chary of ethical questions. But there is absolutely no more connection between ethics and sentimentalism than there is between mathematics or physics and sentimentalism.

Most writers who have treated the subject of justice in taxation have tried to find some single principle that will serve as a criterion of equity. The "Benefit theory," the "Equal Sacrifice theory," the "Faculty theory," and others, have served this purpose for various writers. If there is such a thing as economic justice, based on an ethical principle, it should be profitable to discover that principle, and to see whether it may not be applied to the subject of taxation. Such an attempt, if successful, would at least help to give unity to the science of economics. Since discussions on the question of justice in political economy centre largely in the subject of distribution, an examination of the nature and meaning of justice in distribution must prove useful.

The economist is by the nature of his calling predisposed toward the utilitarian system of ethics, and to the doctrine

that justice is based on expediency, or the "greatest good to the greatest number." Whether his judgment follows this predisposition or not, he must at least admit that utilitarianism is supported by very distinguished authority. Without discussing the fundamental questions relating to the nature of justice, but accepting the utilitarian definition as a starting point, let us see where a strict application of the test, "The greatest happiness of the greatest number," will land us. In making this test, the work of those who have developed the final utility theory of value will be of great assistance. In fact, the principle of the variability and satiability of wants is absolutely essential to the complete application of utilitarianism in the field of economics.

There are four proposed bases of distribution, each of which claims to represent ideal justice. (1) Absolute equality, or distribution according to "existence" (for want of a better term); (2) distribution according to wants; (3) distribution according to labor, or effort—no account to be taken of differences in ability; (4) distribution according to service.\* Service may be interpreted so as to mean (*a*) the product of labor alone; (*b*) the product of labor and capital; (*c*) the product of labor, capital and land; (*d*) the product of labor and such capital and land as the individual himself acquires by his own industry, frugality and foresight, but does not inherit.

The present system is, or aims to be, distribution according to service, and service is interpreted to mean the product of labor, capital and land. The first part of this proposition is evidently not patent to all those who are now at work on the subject of distribution. Were an inhabitant of Mars to undertake the study of terrestrial economics from the popular economic literature of the day, he might very easily come to the conclusion that our system of distribution is simply a

\*The term service may properly be used synonymously and interchangeably with "production." Production being the creation of utilities, it follows that the producer performs a service to society.

free and unrestrained scramble for goods.\* In testing the proposition that the present system is based on service, we can not, of course, take any individual's notion as to what service is or ought to be, but what society as a whole thinks it is. The question is not whether you or I may think that a juggler or a circus clown performs a real service or not, but whether the public at large think so or not. One of this class who contributes more to the public satisfaction than a teacher, will be better paid. Even this would not prove that the public thought more of the work of jugglers and clowns as a class than it did of teachers as a class, but that between one particular teacher and one particular clown, this particular community would rather be deprived of the services of the teacher. So it is the service that the community thinks it gets from the particular land or capital in the possession of an individual which determines the amount of rent or interest which he will be able to collect. This is the aim of the present system, but, of course, it is not perfectly realized. "The mills of *man* grind slowly *and* they grind exceeding *coarse*." All our laws for the protection of property and the enforcement of contracts are for the purpose of realizing this aim: of securing to the producer the products of his industry and preventing the acquisition of wealth without the performance of an equivalent service. Even the apparent exceptions to this rule really conform to the letter of it, though they may violate its spirit. A monopoly is simply an attempt to place society in a position of dependence upon a single person or corporation for a particular form of service, and not, strictly, to get something for nothing. Economic competition is not the competition of animals and plants which prey upon one another without scruple, but competition in the direction of performing service. Competition as

\*One needs only to refer to the tiresome reiteration, by benevolent reformers, of the statement that the present system is simply

"The good old way, the simple plan,  
That he shall get who has the power,  
And he shall keep who can."

it exists in the animal world is not tolerated in society. The latter confines competition strictly and directs it into narrow channels.

Distribution on the basis of existence deserves attention only on condition that it is assumed that wants of different individuals are equal. This would reduce it to the same basis as distribution according to wants. While it is manifestly untrue that the wants of different individuals are equal, it is doubtful if it is worth while to talk about distribution according to wants on any other assumption. It is impossible to tell what classes have the most and what classes have the least wants, so we are practically forced to assume all men to have equal wants.

The proposition to distribute the products of industry according to the amount of labor performed by the participants in production, and to measure labor quantitatively without considering differences in quality, derives its main support from the fact that it would do away with every form of "rent" or "unearned"\* income. If one man with a given amount of effort, both in the form of preparatory training and present labor, is able to make two dollars a day, and another, with no more effort, is able to make ten dollars a day, eight dollars at least of the latter's income is a kind of "rent." It is due to no special merit or effort of his own, but to the fortuitous circumstance of his birth with peculiar adaptations to his surroundings. No fact is better established than the existence of "unearned" incomes from almost every source and in every conceivable form. But the precise ethical objection to allowing any form of income simply because it is "unearned" in this sense, would be difficult to state. Back of the labor basis of distribution there seems to be an idea that there is something inherently meritorious in mere labor or effort. This is akin to the doctrine

\*"Unearned" is here used in the sense of not being covered by an equivalent cost. Cost, as an economic factor, and one which enters into economic calculations, is always subjective.



that labor is the cause of value, and other forms of the now somewhat antiquated cost theory of value. Not only is value not based on cost, but there seems to be no inherent merit attached to mere labor or effort. At any rate, no such merit has been shown to exist. It may be fully as hard to justify one's claim to that part of one's income which has cost a severe effort as that part which cost no effort at all and, in this sense, is "unearned." If labor is to be measured in terms of quantity alone, it may, instead of promoting happiness, positively destroy it. In accordance with the principle of "the greatest happiness to the greatest number," that kind of effort that either destroys happiness, or fails to promote it, ought not to be rewarded because such a reward would be a special inducement to continue that kind of effort. Of those forms of effort which do contribute toward happiness, not all contribute equally. It is consistent with the principle of utility that those who do the kind of work that society wants most should receive the highest reward. But this is not because of any special merit that inheres in that kind of work, but because society cannot get as much of that work done as it wants done without offering a special inducement in the form of a higher reward. There are some men so well fitted for the kind of work that commands high wages that they would prefer that kind of work, even if the reward were no greater than in other occupations. There are others whom the trouble and expense of preparation would deter from entering these occupations unless special inducements were offered. It is worth more to society to have a man take up a kind of work where workers are very much needed than to take up a kind where the demand is already well supplied. Consequently society secures a greater amount of happiness by paying special wages for special kinds of work.

If we could leave out of account the difficulty of administering such a system, the proposition to distribute products according to wants would have much to commend it. Other

things being equal, the goods in existence would yield a greater amount of utility if the last dollar of every man's income furnished its owner the same amount of utility. If the last dollar of A's income yields him less satisfaction than the last dollar of B's, the sum of the satisfaction of both would be increased if this dollar were taken from B and given to A. A would gain more than B would lose. This proposition has as little sentiment and as sound logic as the proposition that a quantity is increased by adding more to it than is taken away from it. But it does not follow that distribution according to wants is the ideal system. Our proposition assumes a given quantity of goods in the possession of society at a given time. But the trouble is that, until men become altruists, society cannot secure the production of so many goods, and of so good a quality on this basis as under the present system. From the standpoint of production, therefore, the same objection may be brought against the proposition to distribute on the basis of wants as on the basis of labor. An objection which perhaps amounts to about the same thing can be made still more effectually from the standpoint of consumption.

In order that the goods in existence at any given time shall yield the greatest amount of satisfaction, each consumer must divide his expenditure among different articles in such a manner, and in such proportions that the final utility of each apportionment shall be equal to that of every other.\* If a consumer spends so much for bread and so little for music that the last dime spent for music gives him more satisfaction than the last dime spent for bread, then his consumption is not harmonious, and he would be better off if he would spend less for bread and more for music. This proposition is also equivalent to saying that a quantity is increased by adding more to it than is taken from it. Now if each consumer is to be left free to spend his income in

\* For a fuller discussion consult Dr. Patten's article "The Scope of Political Economy," *Yale Review*, Vol. ii, p. 264.

such a way, and to divide his expenditure among different articles in such proportions as will yield him the largest amount of utility, he must of necessity reward some producers more highly than others. This will involve a difference of incomes bearing no relation to the wants of those receiving them. Here, then, is an economic dilemma, we must sacrifice either the most harmonious consumption by the individual or the most perfect equilibrium between the incomes of different individuals, which would be distribution according to wants. Before this can be catalogued among the economic harmonies it must be shown that when the most harmonious consumption by the individual results in rewarding one producer more highly than another, it so happens that the one receiving the highest reward is the one with the highest wants. We would be in a fair way toward such a harmony, so far as wages are concerned at any rate, if it could be shown that the standard of living determines all classes of wages. But this position does not seem to be tenable. In fact, nothing but universal altruism is capable of bringing about the desired harmony. When every man can derive more pleasure from the taste of food upon the palate of a neighbor hungrier than himself, than upon his own, this and all other questions concerning distribution will be solved. This form of altruism, or higher egoism as it may well be called, must meet with the unqualified approval of the consistent economist and utilitarian.

The system of distribution according to service applies the same principle to social conditions that prevails under isolated or unsocial conditions. The isolated producer gets the things which he produces, and produces, so far as conditions will allow, the things which he wants. Under social conditions, where exchange and division of labor become the order, the producer does not produce the things he wants nor want the things he produces. The abstraction which we call value then enters into every man's calculation. He then tries to produce as much value as possible;

in other words, he no longer labors for the direct satisfaction of his own wants, but directly for the satisfaction of the wants of all the members of society. The greater the number of wants he can satisfy the greater the value of his product. Under conditions of isolation, the functions of distribution are included in production. Under social conditions distribution is still a matter of production, but it is a matter of the production of value and not things. Since the production of value is the direct satisfaction of the wants of the community, it seems proper to speak of the production of value as service. Under this system, each producer gets just about what he is worth to the community. This is perhaps most easily measured by estimating what the community would lose if he were to stop work. The weakness of the scheme of the socialist to socialize everything, is that it destroys the vital connection between the producer and the consumer and attempts to substitute a mechanical one. Some authority must assign men to their occupations. It is scarcely to be hoped that such a system could result so well as a system of voluntary selection. If each individual were left to choose his own occupation with the understanding that he receive the same reward in one as in another, there is no assurance that so many would not crowd into the production of one commodity as to make it a positive nuisance, and so few into the production of another as to make it practically unattainable. Distribution according to service, or the amount of value produced, insures against this catastrophe and applies the principle of natural selection to the choice of occupations.

It will probably not be doubted that service, as here used, clearly includes the products of one's own labor. Moderate socialists admit so much, but deny that it should also be so interpreted as to include the products of capital. It is scarcely worth while to question that capital performs a service, but the question is, should the reward for this service go to private individuals? If it be admitted that capital is

of any use to society, it must also be admitted that the person who abstains from consumption in order to furnish capital performs a service as real as the one who produces anything else that society wants. Abstinence does not necessarily involve the idea of cost or sacrifice. As already pointed out, cost in itself furnishes absolutely no claim to property in the products of labor. Neither can it be said to furnish any basis for a claim to the products of capital. There is no more inherent merit in this form of sacrifice than there is in self-flagellation. It is the fact of the furnishing of capital, on the one hand, and of the performance of labor, on the other, and not the fact of cost or sacrifice that constitutes the service. The question, therefore, is not whether abstinence involves sacrifice or not, but whether society can get as much capital as it wants in any other way than by paying private individuals for saving in order to supply it. Not all labor involves sacrifice, but some does, and the more there is performed the greater becomes the sacrifice of performing it, and society cannot get as much work done as it wants done without paying for it. Not all saving involves sacrifice, but some does, and the more there is saved the greater becomes the sacrifice of saving it. For this reason society cannot get as much capital as it wants without paying for it. It is cheaper to society to use the capital saved by those who can save with the least sacrifice because by so doing the least sum total of sacrifice in the form of saving is involved and the least outlay in the form of interest is necessary to secure the saving of a sufficient amount of capital. Another reason for private capital is found in the fact that it offers a premium on the most productive employment of capital. The capital in existence at any given time will perform a greater total service if the marginal productivity of each of its multiplicity of forms is equal to that of every other. In other words, it is to the advantage of society to have new capital invested in those forms which are most productive. Private capital naturally seeks the most productive forms of

investment. Whether it always succeeds in finding them or not may possibly be open to question, but it can scarcely be claimed that public capital could find them with greater certainty. There are precisely the same economic reasons for interest that there are for wages.

It is a part of the present system to treat the products of land also as a part of the service of the owner to society and to reward him accordingly. Consistently with the principle of utility we can neither justify rent on the ground of a natural right to property in land, nor condemn it either on the ground of a natural right of all to the surface of the earth, or on the ground that it is an unearned income. As already pointed out there are other sources of unearned income. The vast income of the merchant prince is conditioned upon his proximity to a market for his ability. He must have access to a society where there is a demand for his special form of labor or his producing capacity may be no greater than that of the ditch-digger. Differences in rent are due to the fact that land can not be concentrated at the *place* of greatest productivity. Differences of wages are due to the fact that labor can not be indefinitely concentrated in the *form* of greatest productivity. An equally unearned income results in either case. There is this important difference, however, a man, not being an article of merchandise, is not capitalized according to his productivity. On the other hand, land is capitalized, and it is possible, according to most writers, to distinguish between the value of the land itself and its improvements. It is therefore possible, within certain limits, to levy a tax on land so as to cover only the value of the natural and indestructible powers of the soil, and exempt the value of improvements. If it were customary or possible to distinguish between the productive value of the native and the acquired talents of a man, it would then be possible, by the simple expedient of a single tax on the value of native or inherited talents, to appropriate all the "unearned" share of wages. There would also be precisely the same

reasons for such a tax that now exist for the single tax on land values. One would have no more repressive effect on industry and enterprise than the other. At the same time, it is a matter of no more meritorious conduct on the part of the opera singer, for example, that he inherited the qualities of lung and throat and brain that enable him to attain distinction in his profession, than it is on the part of the landlord that his land has a value over and above the value of the improvements. To tax anything that is acquired at a cost, has the effect of discouraging the acquisition of that thing, and thus represses industry. Because of our inability to distinguish between the products of native and acquired abilities it would be poor policy to attempt to level off the inequalities of nature by means of taxation. Such an attempt would discourage industry and enterprise. The objection is, therefore, one of expediency and not one based on natural right.

It may well be insisted, by the way, that, even if it were possible to appropriate to society the surplus gains from labor, there would still remain excellent reasons for allowing men the products of their own labor. In like manner President Walker\* has shown many and excellent reasons for the private ownership of land even though it were possible to appropriate to society the economic rent. The effect of private ownership of land in giving stability to society and more especially, in acting as a check on population, is a subject that has scarcely yet received the attention that it deserves.

If it were a foregone conclusion that a sharp distinction between the value of land that is due to the effort of the owner and that which is due wholly to the growth of society were possible, there would be an excellent reason from the utilitarian standpoint, for a moderate application of the single tax. A tax on that portion of the value of land that is in no sense due to the effort of the owner, could have no

\* "Land and its Rent," Cap. iv.

repressive effect. But it may not be so easy a thing to make this distinction as it is sometimes imagined. It was long ago seen that the improvements on a piece of land, being the products of human industry, were subject to the same laws as other forms of capital. Accordingly, improvements were placed in the category of capital, and land was given a definition in economics somewhat narrower than the one used in business. But the soil itself is quite commonly produced, and almost universally replaced and improved by culture and fertilization. It would therefore be next to impossible to distinguish, for purposes of taxation, between the products of the natural and the artificial soil. Some recent writers have placed soil also in the category of capital and defined land still more narrowly as merely, space, support and position. If position means accessibility to market or convenience to sources of utility, it is certain that even this quality is quite frequently produced by the efforts of the landowners. It may be found difficult to distinguish, for purposes of taxation, between the rent that accrues from the "position" that is produced by the effort of the landowner and that which accrues from the "position" that is the result wholly of social growth. If this difficulty is found to be insurmountable, it will be necessary to do one of three things: (1) give up the idea of the single tax; (2) show that the single tax would have beneficial effects that would clearly overbalance any repressive effects that it might have on industry and enterprise; (3) define land still more narrowly so as to include merely space and support. This would be a virtual abandonment of the idea of the single tax because rent is not paid for space and support without the attribute of position.

On the whole, it seems the part of expediency to continue the present system in so far as it allows each individual to receive the products of his own labor and also of the capital and land which he acquires by his own industry, frugality and foresight. But the question still remains open as to



whether one individual ought to have the benefit of the capital and land that were acquired not by any effort of his own but by the effort of others. In other words, even admitting that an individual ought to be allowed the benefit of his own industry, frugality and foresight even when that frugality and foresight takes the direction of investing in land, it is still worth while to ask whether each member of the community ought not to have an even start in the world, so far as objective conditions are concerned. This would correspond more nearly with all notions of fairness, but would aim a serious blow at the solidarity of the family. No such proposition as the abolition of inheritances is to be considered for a moment without a careful estimation of the value of the institution of the family. Moreover, there is no doubt that such a proceeding would seriously discourage the production and accumulation of wealth. This must remain the case so long as the desire to provide for one's family is one of the strongest motives for saving and accumulating property. There is no doubt that, with a given production of wealth, a community would secure a greater sum total of utility if every member were put on the same footing in the start, because this would secure a distribution more nearly in accordance with the wants of the different members. But the difficulty would be to secure the same efficiency of production. The existence of a large fund of capital is an absolute essential to efficient production. At the present time one of the principal motives for the accumulation of capital is the feeling of responsibility for the economic welfare of those whom one has brought into existence. To prevent this feeling of responsibility from operating in this way would, unless men undergo a psychological change, not only reduce the accumulation of capital but also remove the most powerful of the rational restraints upon the increase of population. There would thus be less to produce with, and more consumers. But these arguments however weighty when applied to direct inheritances, lose most of their weight when

applied to collateral inheritances. The total absorption of collateral inheritances could affect the accumulation of capital very little and the increase of population not at all. Therefore it would seem that the present laws relating to collateral inheritances form the one feature of the present system of distribution that has nearly outlived its period of usefulness.

Some confusion has entered into discussions of justice in political economy through a failure to distinguish between the circumstances under which a public body and a private individual work. To this difference of circumstances may be reduced the whole of the *so-called* difference between economic and ethical justice, or between public and private obligation. There are not two kinds of justice, and the same principle determines both public and private obligation. The same general object is to be sought and the same principle applied as a test of justice, whether in connection with public or private, ethical or economic actions. That test is the principle of utility. But there are limitations upon the powers and faculties, and peculiarities in the functions, of public bodies in general which forbid the state to pursue the same methods in promoting happiness that are open to, and even obligatory on, the individual. It is quite true that the sum total of happiness would be promoted if every man would produce according to his ability and consume according to his needs. As a rule of conduct or private obligation, this socialistic ideal can be scientifically maintained. But it is the height of folly to maintain that it is the duty of the state to enforce that ideal upon its members. Duty can never transcend ability, and it is utterly beyond the ability of any state to enforce such a system. If it were possible, or even as nearly possible, to compel men to produce according to their ability and consume according to their needs as it is to compel them to keep the peace or to pay taxes, it would be then as much a part of the duty of the state, and socialism would come in spite of us. But only omniscience can tell whether a man acts according to

such a system or not, and omnipotence alone could enforce such action on the part of the unwilling. Even more fallacious than socialism is the position of the man who claims to have satisfied the demands of justice when he has complied with the laws of the state, even when those laws accomplish the aim of securing distribution according to service. He has only satisfied that small part of the demands of justice which the limited power and knowledge of the state enable it to compel by physical force. Therefore, let it be clearly understood that the system of distribution according to service is the ideal system only from the standpoint of the duties of the public authorities. The circumstances under which the state is compelled, by its very nature, to work enable it to do no more. By securing this system of distribution the state does its utmost to promote happiness so far as happiness is dependent on economic forces.

The effort to secure distribution according to service, or production, represents the limit of the power and duty of the state in such matters. But beyond this limit lies the field of the educator and the religious and moral teacher. Though it would have a disastrous effect, if the state should attempt to enforce universal benevolence, yet only beneficent results could follow if all men were voluntarily to become wisely benevolent. If the state were to refuse to allow interest to the owner of capital, those who are now only induced to save by the hope of interest would then refuse to do so, and the community would lose the use of a certain amount of capital. But the individual may be encouraged to voluntarily lend his capital without interest in cases where such a policy would increase the sum total of happiness more than *some other form of benevolence*. The state may even lend its aid to such education as will promote this spirit of benevolence. It may go further and supplement the efforts of educators to elevate the tastes of the people so as to increase the desires of the people for some things and diminish the desires for

others. It may do so simply on the ground that men who acquire a taste for rational enjoyment have more happiness in the long run. Men swayed by passions and appetites do not choose necessarily the things that contribute most powerfully to their happiness.

The socialistic plan to substitute "social esteem" for other kinds of payment in order to induce men to enter the most productive occupations, is weak in that it does not show satisfactorily that social esteem would operate more powerfully under the socialistic régime than it does now. If the difference in the esteem in which a skilled and an unskilled occupation are held were sufficient to counterbalance the difference in the difficulty of acquiring the requisite skill, and the difference in disagreeableness, there would be no difference in the money wages of the two occupations. Now if social esteem can operate so powerfully under the present system as the socialist imagines it would under his system—and we see no reason why it should not—then his ideal would be realized without changing a single essential feature of the present system.

Up to this point the discussion has been wholly preliminary to the question of justice in taxation. It has seemed necessary to examine carefully the grounds of the rights to shares in the products of industry before deciding what is the just distribution of the burdens of taxation. Of vital importance to this question is the main point of the foregoing discussion, viz., that the principle of utility justifies every essential feature of the present system of distribution. It is not therefore necessary to concoct any doctrine of natural rights. Neither ought it to be necessary to set up any theory of rights and obligations in the matter of taxation except such as are based on the principle of utility. If it is the purpose of the state in the exercise of that form of social control which establishes the existing system of distribution, to promote the greatest happiness to the greatest number, ought not its policy in the matter of taxation to be regulated

by the same general purpose? Since taxation may, in itself, be fairly regarded as an evil, ought it not to interfere as little as possible with the general happiness? In other words, ought not the test of justice in taxation to be *the least evil to the least number?*

The evils of taxation are of two kinds: (1) the sacrifice to the one who pays the tax; (2) the repressive effect which a tax may have on industry and enterprise. Therefore in accordance with the principle of utility, the burdens of taxation should be so distributed that the sum of these two forms of evil should be as small as possible.

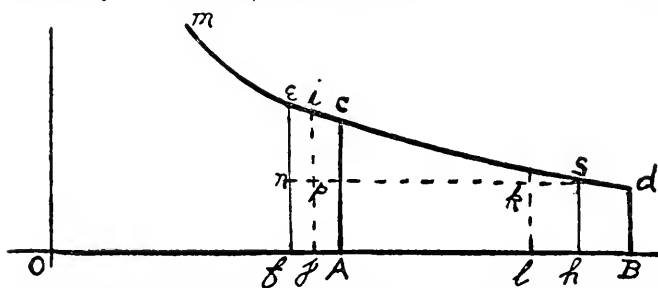
The minimum of repression is secured by so distributing taxes that an equal sacrifice is required of all. No one is discouraged from the acquisition of wealth or a large income, or from entering this or that occupation, if there is an equal sacrifice involved in every case. If we consider only the repressive effects we should arrive at the conclusion that equality of sacrifice involves the least evil to the least number. But if, on the other hand, we were to consider only the sacrifice on the part of those who pay the taxes we should find that not equality of sacrifice, but something entirely different, would produce the least evil to the least number. This point seems to have been overlooked by John Stuart Mill, for he was too good a utilitarian to have adopted equality of sacrifice as the criterion of justice had he not supposed it to be in strict conformity with the principle of utility. To this his own words testify: "For what reason ought equality to be the rule in matters of taxation? For the reason, that it ought to be so in all affairs of government. As a government ought to make no distinction of persons or classes in the strength of their claims on it, whatever sacrifice it requires from them should be made to bear as nearly as possible with the same pressure upon all, *which, it must be observed, is the mode by which least sacrifice is occasioned on the whole.* If any one bears less than his fair share of the burden, some other person must suffer

more than his share, and the alleviation to the one is not, *cæteris paribus*, so great a good to him, as the increased pressure upon another is an evil.”\*

Now, it is susceptible of pretty definite proof that equality of sacrifice does not occasion the least sacrifice on the whole. If a dollar is worth half as much to B who has \$4000 a year as it is to A who has \$2000, equality of sacrifice would be reached by proportional taxation. If A is taxed \$50, B should be taxed \$100. Now, the simple fact that a dollar costs B less sacrifice than it does A would prove that the whole \$150 tax would occasion less sacrifice on the whole if A were taxed one dollar less and B one dollar more. This could be applied again dollar by dollar till we reach the point where a dollar is worth as much to one as to the other. But before this point is reached we shall have exempted A altogether and made B pay the whole \$150 tax.†

\* Principles of Political Economy. Book v, Cap. ii., sec. 2. The italics are mine.

† This may be illustrated by the accompanying diagram. Let the amount of A's income be represented by the line  $OA$ , and B's by the line  $OB$ . Let  $md$  be the utility curve of both incomes. Then the final utility of A's income will be represented by  $cA$ , and of B's by  $dB$ . Let  $hB$  represent B's tax of \$100, and  $fA$ , A's tax of \$50. Each will bear the same amount of sacrifice if the surface  $ecfA$  is equal to the surface  $s d h B$ . But that a smaller total sacrifice would result if A were relieved of a portion of his tax, and B's tax were increased to a like amount may



be illustrated as follows: Suppose that \$25 of A's tax, represented by  $fj$  should be removed and added to B's tax at  $lh$ . This would reduce the sum of both surfaces by the amount that  $ei fj$  exceeds  $kslh$ , or by the amount of  $einp$ . As each dollar that is added to a man's tax costs him a greater sacrifice than the preceding, it may not be improper to speak of the sacrifice involved in the payment of the last dollar of the tax as the final sacrifice. From the foregoing illustration it will appear that not equality of sacrifice, but equality of "final sacrifice" secures the least sacrifice on the whole.

In fact, if the minimum of repression is the one thing to be desired, we should have to adopt a system so rapidly progressive as to produce something like the following result. The wealthiest man in the community would be taxed sufficiently to reduce his income and raise its final utility to a level with that of the next wealthiest man. Then these two would have to be taxed so as to raise the final utility of both their incomes to a level with that of the third, and so on till enough incomes were brought under the tax to raise enough revenue. All incomes not reached by this method of procedure would be exempted. Since the state must collect taxes, and since taxes must interfere somewhat with incomes, it may be found expedient to retain the present system of distribution as a system, but to take wants into consideration in seeking the most equitable distribution of the burdens of taxation. The minimum amount of repression is secured by imposing an equal sacrifice on all members of the community, but the minimum amount of sacrifice is secured by collecting the whole tax from those few incomes which have the lowest final utility. No rational writer advocates the latter plan exclusively, but many rational writers do advocate the former plan. Yet it is not beyond dispute that the former plan ought to be followed exclusively.

A general tax, *i. e.*, a tax that is not local nor on special industries, can only repress industry or enterprise when it reduces some incomes below the cost of acquiring them. In other words, a tax on any form of "rent" or income not covered by a cost, can have no repressive effect on industry. A tax on pure economic rent of land, if such a sharp distinction could be drawn between land and improvements as is usually supposed, could have no repressive effect. But even if the distinction can not be sharply drawn and even if we include the soil under the definition of land, yet a land tax would have a less repressive effect than a tax on ordinary capital because the element of cost has a much more

important place in the production of capital. On the same principle, a tax on an income that is largely due to natural or inherited abilities would have less repression than a tax on incomes that are due mainly to acquired talents, and a tax on incomes derived from inherited capital would be less repressive than one on incomes derived from capital acquired by the present owner. It seems probable, indeed almost certain, that in large incomes the element of "rent," in one form or another, enters more largely than in small. That is, large incomes uniformly afford a larger surplus over and above the cost of acquiring them than small ones. Large incomes are more often due to the possession of special talents, or ground rents, or patents and other forms of monopoly, or inherited property than small ones. If this be true, it would seem that a moderate application of the principle of requiring a larger sacrifice from those with large incomes would not only reduce the total sacrifice but would have very little repressive effect. But the repression would become more and more violent with each extension of the process.

Though there is no way of proving it definitely, it is pretty generally admitted that proportional taxation comes more nearly requiring an equal sacrifice from all than any other form. If this be granted, a progressive tax would reduce the total sacrifice of the tax, but if the rate of progression is carried too far it would repress industry and enterprise. It would discourage men from trying to produce to their full capacity and thus injure the whole community. But, for the reasons already mentioned, this repression would scarcely be appreciable with a moderate application of the principle of progression. It would seem, therefore, that a moderately progressive tax would conform more nearly with the principle of the least evil to the least number than any other method of distributing the burdens of taxation. There is no way of determining what constitutes a moderate rate of progression. That must always be a matter for the exercise of judgment.



It is the purpose of this paper to insist; (1) that the true criterion of justice in the distribution of the burdens of taxation is the least evil to the least number; (2) that the evils of taxation are twofold,—the sacrifice to those who pay the taxes, and the repression of industry and enterprise which they occasion; (3) that the minimum of repression is secured by equality of sacrifice and the minimum of total sacrifice by an extreme form of progressive taxation resulting in great inequalities of sacrifice; (4) that neither repression alone nor sacrifice alone, but both, are to be considered; and (5) that the probabilities are that a consideration of both forms of evil would lead to the adoption of a moderately progressive system of taxation.

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## THE "MINIMUM" PRINCIPLE IN THE TARIFF OF 1828 AND ITS RECENT REVIVAL.

The Tariff Act of 1828 was an important step in the growth of our tariff system. Not only is it of interest in its political aspects but also as a contribution to the theory of tariff taxation. For the first time in the history of our tariff legislation it established, with reference to a considerable group of goods, a series of duties graduated according to their value—the evident purpose of which was to retain something of the elasticity of *ad valorem* rates while gaining the immunity from undervaluations which goes with specific duties, and at the same time to obtain covertly a large increase of effective protection to the domestic manufacturer. This series of duties rests upon what is known as the "graduated minimums" of the woolen schedule of the act of that year; the principle of which was revived and largely extended in the Act of 1890, and the traces of which have not been entirely banished from the tariff of 1894. In view of this fact, it may be of value to trace here the origin and operation of these provisions of the earlier act, and to sketch briefly their later revival.

There are numerous provisions for a single minimum in the laws of the United States, both before and after the Act of 1828, the first instance being found in the Tariff Act of 1816. For the better protection of the domestic manufacturers of cheap cottons, and at the suggestion, apparently, of Francis C. Lowell, the American inventor of the powerloom, it was there provided that all imported cotton cloths of values less than twenty-five cents per square yard should be considered for customs purposes to be of the latter value, and the *ad valorem* duty charged accordingly. As the foreign value of cottons fell lower and lower, the effect of this

provision was to give an ever-increasing amount of protection to the domestic manufacturer. So satisfactory did protectionists find the operation of this provision, that its extension to other goods was soon advocated. In the unsuccessful tariff bill of 1820 there were provisions establishing minimum values for linens and a few other lines of goods. In the bill of 1824, as it came from the Committee on Manufactures, a minimum was established for woollens at eighty cents; but this was first lowered to forty cents, and then through the influence of Southern members, struck out altogether. In 1826 a committee of Massachusetts woolen manufacturers petitioned Congress, as a relief to the depression then prevailing, for "a minimum duty, which will not and can not be evaded, and which shall be apportioned upon the number of yards or quantity of cloth imported in every instance."\*

Each of the above cases, it will be observed, concerns the single minimum only. In the response made by Congress to the above petition, however, we meet with a system of graded minimums such as was afterward embodied in the Act of 1828. All woolen cloths, it was provided, were to be divided into several classes according to their value, each of which was to have its own minimum. For goods worth forty cents and less per yard the minimum value for customs purposes was to be forty cents; those worth between forty cents and \$2.50 were to be taxed as if worth \$2.50; and goods worth from \$2.50 to \$4.00 were to be taxed at the latter value. But this bill, like that of 1820, was lost in the Senate by the casting vote of the Vice-President.

Undismayed by this failure, however, the woolen manufacturers, in conjunction with various other protectionists and certain politicians, called together the Harrisburg Convention of 1827. The proceedings of that body concern us here only in so far as they affected the development of the principle of minimums. The scheme of the bill of 1826-27, as regards

\* *Niles' Register*, Vol. xxxi, p. 136.

woolens, was revived by that body, with additions and changes, so that the minimum points stood at fifty cents, \$2.50, \$4.00 and \$6.00. In the bill reported in the next Congress, and which became the tariff law of 1828, this scheme was retained, but so modified as to rob it, in the eyes of the protectionists, of most of its virtues.

It was not without design that all goods between fifty cents and \$2.50 in value had been included in one class. Almost all the woolens imported fell between these points, and so would have had to pay duty on the \$2.50 valuation. To make the whole scheme futile,\* the anti-protectionists in the House now broke up this class by the insertion of a new minimum point at \$1.00,† while at the same time the rates of duty, which before had been *ad valorem*, in form, were translated into undisguised specific duties of equivalent weight. In the Senate the rates were changed back again to *ad valorem* duties of 40 per cent, with an increase to 45 per cent after one year; but despite all their efforts the protectionists found it impossible to procure the removal of the \$1.00 minimum though this, as they said, was like a knife inserted between the joints of their armor.‡

In this form the bill, rightly called "the tariff of abominations" became law, and the system of graded minimum duties found its first, and for many years its last, embodiment in the legislation of the United States. Whatever may be said for the single minimum, a classification of minimums, such as that of 1828, now seems utterly indefensible. The duties thereby imposed were *ad valorem* in form, but were specific in fact; and they had the disadvantages

\* For the political influence entering into the framing of the bill, see Taussig, "Tariff History," pp. 94-100.

† The \$6.00 minimum point was removed, and all goods over \$4.00 per square yard in value were to pay a true *ad valorem* of 45 per cent. In the bill as finally passed another point was inserted at thirty-three and one-third cents, with a specific duty of fourteen cents on all goods below this. Neither of these provisions is of any significance here.

‡ See 4 Statutes at Large, pp. 270-275, for the Act. As to cottons, the single minimum was continued, but was raised from twenty-five cents to thirty-five cents.

of both kinds, without the redeeming features of either. The temptations to fraudulent undervaluation which they offered proved stronger than under a system of single ad valorem; while, on the other hand, the system had all the inequality and lack of elasticity which go with specific duties.

On the thirtieth of June, 1828, the act went into effect. By the twenty-fifth of October\* the cry began to be heard that extensive frauds were being perpetrated, and that the ends of the act were being defeated. As time went on, the outcry, on the one side, became louder and more wide-spread; while on the other the existence of such frauds was as strenuously denied. In his message to Congress of December 8, 1829, President Jackson takes up the matter, cites the numerous frauds which have been discovered, and the ineffectual attempts to bring the offenders to justice under existing laws, and calls upon Congress for such legislation as may be needed to remedy the evil.† In the House this portion of the message was referred to the Committee on Manufactures, which at once proceeded to make a thorough investigation.‡ Evidence of such frauds, apparently, was not hard to find. Accordingly in the early months of 1830, Mallary, of Vermont, chairman of the committee, reported to the House a bill which, after some discussion, was enacted under the title of "An act for the more effectual collection of the import duties."

From the speeches made in the course of this debate by the advocates of the bill, and from the reports of the proceedings of the New York Protectionist Convention of 1831, we get a very fair idea of the nature, extent and methods of these frauds, and can infer their animating cause. It is almost needless to say that the evasions of the revenue complained of concern the importations of woollens almost exclusively.

\* See *Niles' Register* of that date. Vol. xxxv, p. 136.

† Senate Doc. No. 1 (21 Cong. 1st Sess.), p. 13.

‡ See House Doc. No. 54 (21 Cong. 1st Sess.).

Among woollens, too, it was in connection with the one item of broadcloths that the frauds were chiefly perpetrated;\* and the reason for this is to be found doubtless in the peculiar applicability of the minimum system enacted to this kind of goods. The value of the great bulk of broadcloths then imported was such as barely to bring them within the operation of the \$2.50 minimum. According to the value placed by law upon the pound sterling in the United States at this time,† broadcloths six-quarters of a yard wide costing 6s. 9d. the running yard, might legally be entered at the dollar minimum, and need pay but 67½ cents duty per yard linear.‡ If, however, they were worth more than 6s. 9d. (and under 16s. 10d.) no matter how small the appraised excess might be, they must be entered at the \$2.50 minimum, and pay a duty of \$1.68¾ per yard. The temptation, accordingly, to the merchant importing broadcloths costing seven, eight and nine shillings, was enormous. A slight undervaluation of his goods, coupled with a little elasticity of conscience in swearing to his invoices, would often save him hundreds and even thousands of dollars on one importation. The risk, as I shall presently explain, was small; the hope of gain was great; and hence the mass of evidence of frauds attempted and committed which meets us in the debates and proceedings before mentioned.§

The methods pursued in these evasions of the revenue were mainly three: by false measurements, by returning the average, for the actual, prices of goods in a mixed package, and by undervaluation.

The first has no features at all dependent upon the provisions of the Act of 1828, and consisted merely in entering

\* See Committee Report of New York Convention in *Notes*, Vol. xli., Appendix p. 33.

† Namely \$4.44: see Finance Report 1831, p. 6.

‡ These computations are at the 45 per cent rate, being obtained from Report of New York Convention of 1831, before cited.

§ See also Secretary McLane's letter to Congress of April 6, 1832 (House Exec. Doc. No. 199, 22 Cong., 1st Sess.), for particulars of prosecution for fraud from January 1, 1820, to September 1, 1831.

goods at, say, twelve yards the piece, which afterward sold at from fourteen to fifteen yards.\*

The second was one to which, under a simple system of *ad valorem*s, there could have been no inducement. In pursuing this method, the merchant in making up his package would place in it a few pieces of goods costing, say, fifty-five or sixty cents per square yard, and then complete the package with goods of the usual grade, costing something more than \$1.00 per square yard, and legally chargeable with duty as worth \$2.50. By averaging the prices of the lot, the whole would then be entered as having cost \$1.00 the square yard, and be dutiable at that valuation.

Undervaluation, however, was the most obvious means by which to evade the obnoxious duties on these goods, and it was by the use of this method that the great majority of frauds of which we have record were perpetrated.† A few instances of such evasions may not be amiss. During the House debate to which I have before alluded, samples of broadcloth were exhibited which had been entered under the dollar minimum, at the custom house in New York, and were then being sold in the Boston market at \$3.34 per square yard.‡ Another instance of undervaluation was found in the case of a merchant who had ordered 2000 pieces of goods from a British manufacturer of a particular description and of his own pattern; and who, finding himself undersold in the market, found, upon inquiring, that a second lot of identically the same goods had been consigned in the same vessel by the same manufacturer to an agent in this country, who had entered them at from five to eight shillings sterling lower than the first lot had been entered.§ Yet another instance is

\* See Davis in 6 Cong. Debates, p. 825.

† See Mallary in 6 Cong. Debates, p. 797. A common method was the use of two invoices; one containing the actual cost prices, which was used to sell by; the other, containing prices on the average about one-third less being used in entering the goods at the customs house.—See 6 Cong. Debates, pp. 798-9; 874.

‡ 6 Cong. Debates, p. 799.

§ 6 Cong. Debates, p. 874.

afforded by the testimony of Erastus Ellsworth, a New York merchant, given in the Protectionist Convention of 1831. A short time before, he stated, he had been called upon by the collector of that port to examine a consignment of twenty bales of goods invoiced at 6*s.* 8*d.*, or 6*s.* 10*d.* per running yard, in which undervaluation was suspected. Before he had examined ten pieces, he came to cloths worth eight, nine and ten shillings per yard, all of which had illegally been entered under the dollar minimum. The difference in duty on the invoice prices and the actual valuation was found to be "not less than four hundred dollars on every one of these bales."\*

One of the chief reasons for the continued existence of such frauds was that they were undoubtedly countenanced to some extent by public opinion. In the chief commercial centres—especially at New York,—there was a pretty general opinion that the provisions of the law were too rigorous and severe; and as is always the case in such circumstances there was a general indisposition to blame men for trying to evade them. Except among those importers whose business was affected by these fraudulent importations, this was the opinion which "prevailed upon exchange;" we are also told that "the same mistaken current of public opinion entered and influenced the jury-box,"† The collector at New York, according to the same speaker, "though nowise wanting in honesty, diligence or zeal, . . . had been so goaded and harassed by public and private attacks that he had been actually disabled from putting the laws in force."‡

Aside from the influence of public opinion in this matter, there were certain features of the woolen trade as it was then

\* *Niles' Register*, Vol. xli, p. 202.

† Ellsworth in New York Convention 1831. See *Niles*, Vol. xli, p. 202; also p. 190.

‡ The reference here is apparently to the attempt of the collector to exact a written promise from importers, on releasing goods, that if fraud should be found in the sample packages sent to the appraiser's office the rest of the importation also would immediately be re-delivered up for examination. This attempt, we are told, "made such an uproar that he was compelled to abandon it."—See 6 Cong. Debates, pp. 801-2.



conducted, and of the customs administration, which contributed materially to the ease and immunity with which frauds were committed.

As to the first, by far the greater proportion of all the woolen goods imported were brought into the one port of New York, where even then the volume of business was so vast as to make the scrutiny which could be given to such importation much less searching than at Boston or Philadelphia.\* Seven-eighths of the goods, too, were imported on foreign account, † consigned to foreign agents in this country, "whose interests," said the protectionists, "were at home, and who regarded neither God nor man, provided [they] could only get [their] goods through the custom house." ‡ Moreover, these goods were mostly sold at auction, § immediately upon their release (upon bond) from the custom house, and before the examination of the sample packages sent to the appraiser's office had been completed, so that even though fraud were detected in the entry of these, they alone could be reached for the fine of one half the proper duty provided for such fraudulent entry, the other packages having already been scattered irretrievably by sales from the auction block. Various plans for checking the evil by means of federal regulation of auction sales were suggested and urged upon Congress; but the obstacles in the way of such action were too great, and nothing was done in the matter.

With the customs administration, however, the case was different. No objection to Congressional action in this field could be urged, provided the action contemplated was really in the line of a more efficient administration of existing law; and it was here, accordingly, that such measure of relief as

\* Brown in Convention of 1831. See *Niles*, Vol. xli, p. 204.

† See *Niles*, Vol. xli, Appendix, p. 33.

‡ Ellsworth. See *Niles*, Vol. xli, p. 202.

§ The complaints of American merchants against the evils of the auction system were loud, and their call for a remedy persistent. See documents of the 21st and 22d Congresses for petitions for relief. Davis, of Massachusetts, in 6 Cong. Debates, p. 873, alludes to a petition signed by 20,000 citizens of the City of New York, setting forth the agency of auction sales in the perpetration of frauds upon the revenue.

could be afforded was sought and obtained. By an Act of March 1, 1823, it had been provided that in the appraisement of goods entered for importation, *at least* one package out of every invoice, or if the number of packages in such invoice be large, one out of every twenty packages of such importation must be sent to the appraiser's office for examination, the collector being empowered to release the rest on bond given, in the estimated amount of duties, on the lot. In the circular issued by Secretary Rush, September 9, 1828, collectors were instructed to be governed in their enforcement of the Act of 1828 by the provision of the Act just cited, examining a greater number of packages than there prescribed only at their discretion.\*

At New York, as was to be expected, the minimum number only was examined. Despite the good-will evinced by the collector, too, the methods pursued in the appraisement of goods were seriously objected to by protectionists.† In making the selection of packages for appraisement, it was charged, those generally were chosen which were invoiced at a price making them liable to duty on the \$2.50 minimum,—a small quantity only of which were imported, and on which there was little inducement to fraud; or if a package was selected which was invoiced so as to enter under the dollar minimum, the importers managed in some way to secure the selection of one fairly charged at 6*s.* 9*d.* Again, it was asserted that the importer's invoice was too largely depended upon in making the appraisement; and besides, that the standard of value of the appraiser's office for cloths of the dollar minimum class was “from 6*d.* to 2*s.* sterling per yard below the value of said cloths in the market from whence they came.” Hence the amount by which these goods were found to be undervalued was seldom in excess of the 10 per cent margin allowed by law,‡ and

\* See *Niles*, Vol. xxxv, p. 88; also Senate Doc. No. 34 (20 Cong., 2d Sess.).

† For this complaint, as voiced by the Committee on Frauds at the New York Convention of 1831, see *Niles*, Vol. xli, Appendix, pp. 33-35.

‡ By the Tariff Act of 1828: under the Act of 1823 the margin allowed was 25 per cent.

consequently the penalty for undervaluation was seldom exacted. In the third place, serious objection was made to an interpretation given to the Act of 1828, by Secretary Rush, by which the amount of protection afforded the woolen manufacture was considerably diminished, it was claimed, from what had been intended by Congress. In the act there was a provision that all goods subject to ad valorem duties should pay an additional rate of 10 or 20 per cent according as they came from this or the other side of the Cape of Good Hope. Rush apparently, being disposed to give the woolen manufacturer no more than the strictest interpretation of the law demanded, ruled that under the minimum provisions of the act, the duties laid were not in truth ad valorem, but specific duties; and hence that the additional 10 or 20 per cent was not to be collected on these classes of goods.\* On wool, however, the additional duty was held to apply. Naturally there was much complaint at this ruling. When Ingham took office he reported the matter to Congress, intimating his opinion that the law might "admit of a different construction," but asking for a declaration from that body. Nothing, however, was done in the matter, and this ruling of Secretary Rush continued in force until the Act of 1828 was superseded, and the whole minimum system abolished.

The result of the outcry which was made, and the investigation by the committee of Congress, was, as I have said,

\* It is curious, but I can nowhere find the letter embodying these instructions. Their date, as we learn from Ingham's Finance Report (1829) was October 15, 1828. Treasury instructions of far less importance are given by Niles of dates both immediately before and after this; but this is not given. Furthermore, in his communication to Congress early in 1829 (Senate Doc. No. 34, 20 Cong., 2d Sess.), Rush, as required by law, transmits the instructions he has issued to collectors concerning the interpretation of the Act of 1828, but makes no mention of those of October 15.—My chief sources of information concerning these are Finance Report (as above) where they are first referred to; report of the Committee of Manufactures of January 5, 1830 (House Report No. 54, 21st Cong., 1st Sess.); and the report of the New York Convention of 1831 (*Niles*, Vol. xii, Appendix p. 35). The Committee of Manufactures and the New York Convention condemn the interpretation given as erroneous and a perversion of the intention of Congress.

the passage of an act "for the more effectual collection of the import duties," which received the President's signature on May 28, 1830.\* Aside from its provision for additional appraisers at New York, Boston and Philadelphia, and the prescription of a mode by which forfeitures were to be collected, the chief interest in this act centres in its provisions concerning average valuations and the detection and punishment of undervaluation. As to the former of these, it was prescribed that thenceforth, where goods of different values were packed in the same case or package, the value of the *best* article therein contained was to be taken as "the average value of the whole," and the duty levied accordingly.† With reference to appraisements, etc., the minimum number of one package per invoice, or one package in each twenty, was continued. In addition, however, it was provided, (1) that no goods should be released prior to the above appraisement save on bonds in *double* their estimated value, and conditioned on their return in ten days after the appraiser's report (if so ordered), with a prohibition of opening or unpacking save on the written permission of the collector and in the presence of an inspector; (2) that if the collector thought the appraiser's valuation too low, he might order a re-appraisement either by the chief appraisers or by three merchants (citizens of the United States) who should be designated by him for that purpose; (3) that in case the package appraised be found incorrectly invoiced, all the goods of that same entry were then to be inspected, and (4) that if it be found that such package or invoice had been "made up with *intent*,‡ by a false valuation, or extension or otherwise, to evade or defraud the revenue," the same should be forfeited—the former penalty of a fine of one-half the duty being repealed.

\* See 4 Statutes at Large, p. 409.

† In the execution of this act it was found necessary to modify this provision so far as to allow parcels of small wares (laces, etc.), separately designated in the invoice, to be considered as separate packages, though packed in the same case with other goods.—See pp. 5-6 of Ingham's report of December 15, 1830. (Senate Doc. No. 6, 21 Cong., 2d Sess.)

‡ The italics are mine.

Stringent as these provisions would seem to be, it was soon found that they were "the means of developing the extent of the evil, rather than of arresting it."\* This was, apparently, no fault of the collector at New York. Public sentiment against the enforcement of the tariff having relaxed somewhat, he consented some time in 1831 to have an examination made of *all* packages invoiced instead of the minimum number allowed by law, with the result that in six months 2400 pieces of broadcloth were found undercharged by false invoices, and frauds upon the revenue to the extent of \$48,000 were thus prevented.† But the use of the word "intent," in the law, and the judicial interpretation put thereon were such as almost wholly to defeat the ends of the act. In the prosecution of some of the cases brought to light as above, the court had ruled that evidence might be introduced as to the *cost* of the goods at the place whence imported, and that if it be shown that the cost was as invoiced, intent to defraud would be held to be done away with.‡ Under this decision it was practically impossible to secure a conviction. Merchants might either buy goods of various grades getting an invoice (supported by affidavits) at one average price for the lot such as to bring the entry below the dollar minimum; or else for a small sum secure the perjured affidavit of a British clerk that the cost of the goods was as invoiced: either method was perfectly feasible and attended with no personal danger. The result was, that of the 2400 pieces of goods instanced above as undervalued, practically none were forfeited; and the importers, in the absence of any other penalty for undervaluation, were allowed to take their goods away upon the simple payment of the duties they would have had to pay had the goods been honestly entered in the first place. This construction of the law

\* Report of New York Convention, 1831. See *Niles*, Vol. xli, Appendix p. 33.

† Ellsworth in New York Convention. See *Niles*, Vol. xli, p. 202; p. 190. During the first year of the operation of the law of 1830, but few cases of fraud were unearthed: this was while the old practice of examining but one of twenty packages was still in use. *Ibid*, Appendix, p. 33.

‡ Brown in New York Convention. See *Niles*, Vol. xli, p. 203.

actually placed a premium upon fraud; for if it succeeded, the importer was so much the better off, if it failed he paid nothing beyond what an honest man would have had to pay in the first place. A home valuation, the protectionists felt, would remedy the evil; but this they dared not recommend because it would increase duties to prohibition, and though this, they thought, would not be a bad thing, yet the recommendation of such would "involve Congress in a discussion of the whole tariff system," which, in the existing condition of things, they were desirous of avoiding.\* Accordingly the only remedy which the New York Convention of 1831 could bring itself to recommend was that "the present law . . . be enforced:" *i. e.*, enforced in the interpretation in which they deemed it to have been conceived.

The root of the evil was held by the protectionists to lie in the one dollar minimum,† the introduction of which had been so strenuously resisted when the Act of 1828 was framed. In the importation of cottons, where there was but one minimum (namely, thirty-five cents), there were no such frauds as in woolens: but had various additional minimum valuations been established in the cotton schedule—say at ten, twenty and thirty cents—it was held that there would have been the same attempts at fraud as in woolens. On the other hand, the whole minimum system was blamed, and this not only by Southerners and anti-protectionists. Secretary McLane in his report of April 27, 1832,‡ said: "The system of minimums is regarded as imposing an unnecessary and extravagant rate of duty, and as encouraging the commission of frauds difficult if not impossible to prevent." John Quincy Adams also favored the abolition of the system,§ because of the injustice of its operation;|| its encouragement of

\* See *Niles*, Vol. xli, pp. 203-4.

† *Ibid.*, p. 204.

‡ House Doc. No. 222 (22 Cong., 1st Sess.), p. 4.

§ House Report No. 481 (22 Cong., 1st Sess.), p. 26.

|| Cambreling had objected strongly to the Act of 1828 on this account. See his statement (House Doc. No. 143, 20 Cong., 1st Sess.) showing the operation of the system on rich and poor. This, however, has reference to the bill before the introduction of the dollar minimum, which remedied this defect somewhat.

frauds; and because as he said, "there is . . . in the system of graduated minimums an appearance of indirection little consonant with the frank open-heartedness of republican institutions: it has the air as if the legislators of the nation, in taxing their constituents, were unwilling to let them know the real amount of that taxation." To these objections Gallatin\* added a fourth, namely, the cost of collection, which under the operation of this act had increased from 3.38 per cent of the revenue to 4.31 per cent.

Niles, as well as others of the ultra-protectionists, clung obstinately to the system of minimums.† The frauds committed under the Act of 1828, he maintained, were but types of what would exist without minimums. "If the appraisers can not justly determine four or five qualities of cloths," said he, "we know not how they are to settle the value of fifty qualities." Their efforts, however, were in vain. The evil effects of the system—at least as embodied in the Act of 1828—were too manifest. The concurrent testimony of men so wide apart politically as were McLane, Adams and Gallatin, was too convincing. Accordingly, in the Tariff Act of 1832—passed, it is true, under a certain pressure of political necessity—the protectionists themselves swept away the whole system, and set up in its place a uniform rate upon woollens of 50 per cent ad valorem. The system of graduated minimums had been tried and had proved a failure.

For many years after the repeal of the tariff act of 1828 there was nothing in our tariff legislation approaching the method of laying duties embodied in these sections of that act. The later duties were either simple specific or simple ad valorem rates, with occasionally a combination of the two, or a provision for what amounted to a single minimum. We hear nothing of anything similar to graduated minimums until after the war. In the process of

\* Memorial Free Trade Convention of 1832.

† See *Niles' Register*, Vol. xlii, p. 269.

maintaining and raising duties after that epoch, however, single minimums became more common, and as the tariff system became more complex, they had a tendency to develop into classifications resembling that of 1828. At last in the tariff act of 1883, in the provision concerning cotton threads and yarns, we meet with a well-defined system of specific duties graded on values which in essence is identical with the system of woolen minimums of the "tariff of abominations," though lacking in some of the more objectionable features of the latter.\*

It is not, however, until we reach the tariff of 1890 that we find any considerable revival of this system. In that act not only do we meet with the application of what is virtually the same principle as the graduated minimums of 1828, though the duties are here specific and not *ad valorem* in form; but we find that principle extended to many lines of goods other than woollens. Cotton stockings, velvets and plushes, boiler and plate iron, penknives, table cutlery and carving-knives, shot-guns and pistols, are all subjected in that act to a like treatment. In each of these cases classes are established based on the value of the goods, and on all goods of the same class the same specific duty is then levied.† For example, in that act penknives are arranged in four classes: (1) Those worth not more than 50 cents per dozen; (2) those worth between 50 cents and \$1.50; (3) those worth between \$1.50 and \$3.00; and (4) those worth over \$3.00; the specific duties being 12 cents, 50 cents, \$1.00 and \$2.00 per dozen upon each class respectively.

\* In the Act of 1883, cotton threads and yarns are divided into eight classes, according to value: (1) Those worth not over 25 cents per pound; (2) those worth from 25 cents to 40 cents; (3) those from 40 cents to 50 cents; (4) those from 50 cents to 60 cents; (5) those from 60 cents to 70 cents; (6) those from 70 cents to 80 cents; (7) those from 80 cents to \$1.00; and (8) those worth over \$1.00 per pound; the duties being 10 cents per pound; 15 cents, 20 cents, 25 cents, 33 cents, 38 cents, 48 cents, and 50 per cent *ad valorem*, on the classes respectively.—22 Statutes at Large, p. 506.

† The matter is complicated somewhat in most cases by a provision for a genuine *ad valorem* duty in addition to this classified specific duty; but the principle is not affected thereby.



The use of this sort of duties was much decreased in the Wilson bill of last year, though not entirely abandoned, as witness the section concerning cotton yarns and thread. In the Tariff Act of 1894, however, as it was finally passed, the system of classified specifics is restored in the case of penknives and a few other lines of goods, though that law still falls far short of its immediate predecessor in this particular.

As regards the operation of the provisions in question in these later laws, it is difficult as yet to get any definite information. Since the time when these duties were first tried so unsuccessfully, great changes have taken place, not only in the machinery and methods of the customs administration, but in the circumstances of the commercial world as well. In the language of Secretary Carlisle,\* "the difficulties of administration have now been much diminished by our increased facilities for ascertaining market values in other countries, and by the improved organization of our customs service. The markets of the world have been brought so near to each other by the use of steam and electricity that, as to all staple articles especially, it is not now much more difficult to find their cost or value abroad than at home." The new Customs Administration Act of June 10, 1890, with its stringent penalties for false invoices and false entry, its more rigorous provisions as to fines and forfeitures for undervaluation,† and its newly created board of general appraisers, has also done much to remedy the condition of things of which in 1886 Secretary Manning complained in his famous report on the collection of duties.

Nevertheless, in spite of the changes which time has brought, this system of duties necessarily furnishes a peculiar

\* Finance Report 1893, p. lxxix.

† Where goods are found to be undervalued more than 10 per cent, an additional duty of 2 per cent is assessed "for each 1 per centum that such appraised value exceeds the value declared in the entry;" if undervalued more than 10 per cent, this may be regarded as "presumptive evidence of fraud," the goods seized and forfeiture proceedings begun, the burden being of proof thrown upon the claimant. See section 7 of that Act.

stimulus to fraud. The evidences of that fraud are not as yet accessible to the student, but this is no argument that it does not exist. It is impossible now, even more than sixty years ago, to examine every package of goods imported. The temptation to fraud still exists in the large reduction of duty which even a slight undervaluation may effect under this system, and certainly commercial morality is no stronger now than it was then. In fine, then, it appears that we may safely say of the subject, with Secretary Carlisle, in the report above quoted: "It would seem difficult to devise a scheme better calculated to encourage frauds upon the revenue, and make their prevention or detection next to impossible."

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## BRIEFER COMMUNICATIONS.

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### THE POSITION OF THE AMERICAN REPRESENTATIVE IN CONGRESS.

Probably the oldest among modern systems of government is that in which the people have for their share merely the obeying of the law with little or no influence in its formation. This doctrine has been superseded in the United States, and indeed in most countries of the world, by the belief that the people are the real rulers and that some form of representative institutions is the only reasonable method of government. We consider it almost a natural right that every second year we should express our opinion of our previous legislators by the choice of their successors. Having thus accepted representative government as an accomplished fact there remains for the American citizen the further question of the relationship existing between the Congressman and his constituents. In other words, what position does the representative at Washington hold during his term of office? Does he represent the people of his district, of his State or of the country at large? Is he sent to the seat of government to use his own judgment on the questions which arise or is he merely the telephone through which his constituents express their opinions?

As one answers these questions the whole framework of our government is turned toward or away from an extreme democracy. To the man like Rousseau, the representative is but the agent of the people, liable to dismissal at any time; to a man like Locke he is the statesman chosen to think for the people and chosen because of his ability to think wisely. These are questions on which division of opinion has been prevalent since our government was instituted; let us see what the constitution makers themselves thought of the matter. This in its turn necessitates an examination of the conditions which led to the calling of the Constitutional Convention.

The great and insurmountable difficulty of government under the Articles of Confederation had been the position of independence which they granted to the individual States. Although there was in theory a body which occupied the position of superiority formerly held by Great Britain, the States were practically independent and it became evident that one of two things must happen,—either the authority of the central power must be strengthened or it soon would be entirely thrown off. The former of these alternatives being accepted by the convention we find two distinct plans advanced. In principle they were wholly at variance. "Representation of the people at large is

the basis of one . . . and a majority of the people of the United States must prevail; the State legislatures are the basis of the other.”\* “The gentlemen on one side maintain that the States are districts of people composing one political society; those on the other maintain that they are so many (distinct) societies.”† In a consideration of our final constitution we must remember that it was the first or Virginia plan which formed the basis of the final document; it is, therefore, to that plan rather than the other we must look for a clear understanding of our forefathers’ intention. Now in that original plan the word “national” occurs over forty times and although as a concession to certain members this word was stricken out the debate clearly shows that no difference of meaning was intended.‡ On the other hand, while the preamble of the original document reads: “We, the people of the States of Massachusetts, New Hampshire,” etc., the revised constitution has the bold affirmation: “We the people of the United States,” and this change was before the convention for many days, in the course of which the opinion is several times expressed that the States are sub-divisions of the United States and not the United States an assembly of the States.§ Surely one cannot say that the Northwest territory is an assemblage of the five States *into which it—one whole—was divided*. Rather the necessities of government owing to difficulties of communication demanded subdivisions and as thirteen convenient subdivisions already existed in the original territory there was no need of creating new ones, yet the principle seems clear.

Chief Justice Marshall in his decisions expressed this view so thoroughly that no further judicial interpretation has been necessary: “When the American people created a national legislature with certain enumerated powers, it was neither necessary nor proper to define the powers retained by the States. These powers proceed not from the people of America but from the people of the several States, and remain after the adoption of the constitution what they were before, except so far as they may be abridged by that instrument.”|| What clearer exposition could be wished of the doctrine that “the people of the States are units in giving power to State officers, and the people of the United States are a unit in giving powers to United States’ officers.”¶ It is not only to friends of the Virginia plan that we can

\* Wilson in the convention, Elliot’s “Debates,” Vol. v, p. 195.

† Dr. Johnson, *Ibid.*, p. 255.

‡ *Ibid.*, p. 214.

§ *Ibid.*, pp. 212-33.

|| Sturgis *vs.* Crowninshield, 4 Wheat., 192. (See also 9 Wheat., 187.)

¶ Hare: “Const. Law,” Vol. i, p. 13. See Washington’s letter to Gordon in Bancroft’s “History of the Constitution,” Vol. i, p. 320.

turn for support of this view; the arguments for the New Jersey scheme show that its advocates considered the rival measure as having this effect.\* It is true that when the people accepted the constitution they assembled in their several States, but as Marshall says: "Where else should they have assembled . . . when they act they act in their States, but the measures do not cease on that account to be the measures of the people themselves."† Thus our forefathers intended to found a government of the people, and it is in the popular branch of the national legislature that we find the best example of the fulfillment of their purpose. The members of this body were designed to be representatives, not of a district for it is universally admitted that they may be chosen by the State-at-large, as Maine has done until recently, and as many of the States did at the outset, nor of the State but of the nation,‡ and are bound to have her best interests constitute the weight which decides their votes. No provision is made by which their own immediate constituents have more right to influence them through the press, or by petition than have citizens of other sections of the country. True the constitution provides that every State shall have at least one representative, and that these representatives shall be residents of the State from which chosen, but at that time the States were units, each having a history and interests of its own, this provision being merely the employment of the simplest means to insure every important interest and section having a member at the capital, who, presumably, had an intimate acquaintance with its needs and opinions. Having thus gathered together a body of men who shall collectively be well informed concerning the interests of the various portions of the country the evident intention of the constitution is that the House, as a whole, shall act for the country as a whole. The Continental Congress had furnished a good example of the results sure to follow should members consider themselves bound exclusively by the interests of their own district.

It would seem that the advocates of the delegate principle had a far stronger case in the position occupied by the Senate, yet even here the weight of the argument is against them. Chosen by the legislature of the State the Senator represents the State as a government, all the States being regarded as of equal importance. The fact that these legislatures are in session at the same time as the national chambers furnishes a somewhat plausible ground for the theory that the Senator is responsible to the body which elected

\* Elliot, Vol. v, *passim*.

† McCulloch *vs.* Maryland, 4 Wheat., 316.

‡ Thus Mr. Wilson remarks: "Will a citizen of Delaware be disgraced by becoming a citizen of the United States?"

him, and there have been Senators who considered themselves bound to obey its instructions. Others have looked to the legislatures of their respective States for vindication when their acts were unpopular at Washington, but the other no less important fact that the political complexion of the State legislature may change during the Senators' term, and that the two Senators from the same State may not agree has worked against this view. The feeling in favor of senatorial responsibility has been slight, and has been on the decrease since the States rights epoch until we now see a Senator from Nevada definitely announcing his change of political opinions, and retaining his seat without even asking his State legislature for a justification.

In the lower chamber the opportunity for this feeling of responsibility is much less than in the Senate. While the diversities of interests in the individual States have the same effect as with the Senator if the representative attempts to represent the whole State there is not the fiction of an ever present gathering of the body which elected him. The representative is chosen by the voters of the United States, and not only is there no definite means provided for instruction or advice, but there is no plausible method by which the opportunity for such instruction may be inferred. True, the State elections are occasionally so cited, but there is no marked tendency that way, and what little there is may be considered rather as the result of State battles being fought largely on national issues, a condition which cannot be thought of as the logical intention of the framers of the constitution. If, indeed, the other view were taken, and Congressmen were considered as agents responsible to their constituents, then is the unity of our government gone, and we are reduced to the condition of the Confederation, except that instead of thirteen clashing interests we should have nearly four hundred.

If our fathers had wished that on every measure and at every time the will of the majority of voters should have been definitely ascertained, it would have been easy for them to have introduced the delegate system in a less ambiguous manner. Nothing would have been simpler than that some form of the referendum should have been provided for, or that the people should have been given the right of initiative. The fact that special provisions were made allowing such expression of opinion on Constitutional amendments shows that this system was familiar to the convention, while the fact that it was not adopted for ordinary laws is a forcible objection to any delegate theory resting on a forced construction of the constitution. We have then, the two principles: first, that representatives are delegates of the bodies which elect them, or second, that they speak and act for the country as a whole. We have seen the former of these views rejected

by the constitution makers, and the latter incorporated into the constitution as the ideal which was to be sought. What has been the practical result?

As in many other cases, we find the outcome a compromise. This compromise has on the whole been brought nearer to the ideal than to the rejected view but by means of agencies whose force was not appreciated when the constitution was framed, upon which the constitution makers did not count but whose influence has been increasing ever since. Foremost among these agencies is the growth of parties and party spirit. On every question of great partisan importance the representative is first of all a member of his party. Thus on the late tariff bill it required more independence than many Democratic members possessed to vote against the measure, although there were several who probably considered the McKinley tariff fully as good for their particular district and others who judged with the President, that a better measure ought to have been attained. The argument that the Democratic party as a whole, was in favor of some measure of tariff reform, that the party leaders said the Wilson-Gorman bill was the best attainable, was most effective in securing the passage of the law. In 1890 we see the same conflict with the same outcome in the Republican ranks. Thus on prominent party questions the average member acts for the benefit of his party as a whole, and although he is responsible to the party leaders of his own district, this is but another way of saying he is responsible to his party leaders throughout the country. Any member who acts independently of party at Washington, finds his re-nomination extremely difficult and the growth of the system of gerrymandering, by consolidating the power of the dominant parties has aided in the same result. Thus on important party questions we find Congressmen representing, not their immediate constituents but their party at large, and as the two leading parties extend more and more over the whole country, this can but mean a decrease of sectionalism and a binding of the whole country together.

On other than party questions and especially in the great matter of expenditures, we might appear to be faced by a somewhat different situation. These matters are of much more relative importance than one is apt to think when he considers the proportionate amount of time devoted to the tariff. Yet even on such questions when his district is not a close one, the member is responsible to a group of a dozen leaders in his own constituency, *i. e.*, to his party. It may be that by a strict regard to the best interests of his own individual district, he might be able to poll more votes on election day, but what of that, the real fight is for the nomination, and here it is the influence of party which determines the result. Should one member have a

constituency nearly evenly divided politically, it may be supposed that in this case, at least, he would vote as his district commanded, indeed, that he would be compelled to do so. Two important considerations remain which seriously limit this, the sole opportunity, for the growth of the delegate principle. In the first place, of the thousands of bills presented to Congress for its approval, probably not one per cent are of any interest whatever to our supposed district. What concern is it to the city of New York whether the Illinois river be improved? What difference does it make to the commercial section of Michigan whether the mining interests in the northern peninsula be developed? The main interest which confronts our member is: Will the proposed measure strengthen my party or can we disgrace the majority by defeating a measure of theirs? Thus another class of measures is eliminated.

The second consideration is even more weighty. It is this: No proposition has a chance of coming before the House which has not been approved by the leaders of the dominant party. The business of our lower chamber has become so great that some organization has had to be perfected by which the grain could be selected from the chaff. The committee system being adopted we see, from the outset, those committees chosen by the majority party, at first by ballot and later by the speaker. The result of this last development has been that the speaker of the National House of Representatives backed by the Committee on Rules and by the Chairmen of the Committees on Appropriations and Ways and Means controls the whole business of the House. The speaker being pre-eminently a party leader, and choosing these colleagues from his own party it must follow that all the legislation of the session is regarded primarily in its relation to the interests of the party throughout the nation. A member who does not stand well with these party leaders finds himself in a very unenviable position when he attempts to bring forward a measure of his own. Let us suppose that the Congressman from the second Delaware district thinks a measure brought forward by his party's committee is hostile to the best interests of his district; he therefore opposes it, and uses all his influence to persuade other Congressmen to vote against it. Let us even suppose that he succeeds in defeating the proposal; what is the consequence? Merely that when our Congressman wishes to be recognized by the speaker he finds him looking in another direction, and that when he finally succeeds, on some Monday, in introducing his own measure it is referred to a committee and never heard of again.

While on all subjects of legislation the reign of this governing board is absolute I do not mean to imply that none but distinctively party measures are allowed before the chamber. Other bills come



before the House, and on these the member should, and to a certain extent does, exercise his best judgment, especially if he represents a district whose party leaders consider national issues of prime importance, and expect the member to use his discretion on minor matters. What I do mean is that all measures have to run the gauntlet of a party committee, and be recognized as not opposed to the party's interests before they are placed on the calendar, and that it depends on the character of the prominent party men within his district, whether or not the member may use his individual judgment on such neutral measures. If these leaders are not broad-minded men, then, although we may see representatives declining to waste their time in dividing offices among their constituents, and using their best judgment on all questions before the House, it will probably happen in the future, as in the past, that the independent may approve his attitude, but the party nomination will go to another man. In other words, we are in a régime of party government, and it is only as parties so improve that divisions are made on great issues alone that each representative will be free to vote on minor issues independently of party, at the same time being a sturdy adherent of that party which, on the all important issue, seems to him to be in the right.

It may be said that the numerous "junketing" measures which pass our Congress are proofs that it is the district and not the nation which is represented. Without doubt there is some truth in this assumption, but it is due, not to our system, but to the character of our parties. As long as they depend for votes, not on a general party program, but on grants to particular districts, so long must we expect just this result. I do not mean to imply that two compact parties, each having branches in every section of the country and each depending for its supremacy on a clearly defined and closely followed policy of national importance is, or is not, the ideal form of government. England seems to be drifting away from the strict party divisions formerly so prominent, but this question is foreign to our discussion. What I do think is that in the existing United States with the present tendency toward party government, the nearer such a condition of affairs is reached, the nearer will our Congressmen come to being representatives of the nation at large and not of the particular district from which they come. Back of this lies the great reform of so educating the people, that a party which does not stand honestly for its platform because in its opinion the principles there set forth are best for the whole country, will be unable to gain the suffrages of the nation.\*

\* At present it is probable that no party pretends to be governed in its future action by its platform professions and in a short time the platform will exert little or no influence in an election. Parties, in the writer's opinion, should divide on major issues alone, the minor issues, if any, being of importance only in the selection of the individual candidate.

In a word, then, on important matters our representatives are responsible to their party at large, on minor matters they may be, and at present are, responsible to the party leaders in their districts. What should be done is so clearly to define leading issues and the party attitudes upon them that they, and they only, shall determine the lines of division within the district, thus leaving the representative free on neutral matters to use his own best judgement.

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#### A NOTE ON ECONOMIC THEORY IN AMERICA PRIOR TO 1776.

In a study of the Pennsylvania experiment in paper money, covering the period from 1723-1775, the writer came upon some statements of economic theory that may prove interesting to readers of the ANNALS. We have put these together in an informal way, trusting that the dates of their publication, all prior to 1776, will be sufficient justification for their present resurrection.

Franklin, writing in 1729\* in defence of a paper currency, says: "On the contrary, as a plentiful currency will occasion a less consumption of European goods in proportion to the number of people, so it will be the means of making the balance of our trade more equal than it now is." Here we have, at least by implication, the old notion that for any country to have the balance of trade against it, is an unmitigated evil.

Governor Pownall,† on the other hand, held that there were conditions under which this fact that the balance of trade was against a country, might be evidence of its progress and prosperity. In 1765, in his "Administration of the Colonies," page 110 of the second edition, he writes: "An increasing country of settlers and traders must always have the balance of trade against them, for this very reason, because they are increasing and improving, because they must be continually wanting further supplies which their present circumstances will neither furnish nor pay for. . . .

"In the common cursory view of things, our politicians, both theorists and practitioners, are apt to think that a country which has the balance of trade against it, and is continually drained of its silver currency, must be in a declining state; but here we may see that the progressive improvements of a commercial country of settlers, must necessarily have the balance of trade against them, and a decreasing

\* "The Works of Benjamin Franklin." By Jared Sparks, Vol. ii, p. 260. Boston: Hilliard Gray & Co., 1840.

† "The Administration of the Colonies." By Thos. Pownall, second edition, p. 260. London: J. Dodsley, 1765.

silver currency; that their continual want of money and other materials to carry on their trade and business must engage them in debt. . . . But that those very things applied to their improvements will in return not only pay those debts, but create also a surplus to be still carried forward to further and further improvements."

The home government, fearful of the evil effects of a paper currency, from time to time demanded reports as to the status of this currency. In 1751 they forbade the issue of any more such currency as a legal tender, and in 1752\* we find a report by a committee of the Pennsylvania Assembly, in which they recite the many advantages that have resulted from the use of said currency; among others "the inducing of strangers to come and settle among us."

"But your committee conceive that the manner of issuing this medium contributed no less to those happy effects than the medium itself. It was by the law directed to be emitted on loans (in real estate), in sums not exceeding 100*£* to one person for a long term, on easy interest, and payable in yearly quotas, which put it in the power of many to purchase lands and make plantations.

"That it should be easy for the industrious poor to obtain lands, and acquire property in a country, may be chargeable with one inconvenience, to wit, that it keeps up the price of labor. Yet this inconvenience is perhaps more than balanced by the rise in the value of his land, occasioned by the increase of people, and to the public in general numbers of substantial inhabitants have been always reckoned an advantage. In fine by rendering the means of purchasing land easy to the poor, the dominions of the crown are strengthened and extended; the proprietors dispose of their wilderness territory, the British nation secures the benefit of its manufactures, increases the demand for them; *for so long as land can be easily procured for settlements, between the Atlantic and Pacific Oceans, so long will labor continue dear in America; and while labor continues dear we can never rival the artificers or interfere with the trade of our mother country.*"

The enunciation of this proposition by a provincial assembly in 1752 is certainly interesting.

It was of course impossible to get very far in the discussion of money, without assuming some theory of value. Franklin in his paper of 1729 † writes:

"A wants corn and B cloth; upon which they make an exchange with each other, for as much as each has occasion for, to the mutual advantage and satisfaction of both; . . . to facilitate this exchange men have invented *money* properly called a *medium of exchange*. . . .

\* See Votes of the Assembly for 1752, Vol. 4, p. 227.

† "The Works of Benjamin Franklin." By Jared Sparks, Vol. ii, p. 264.

"For many ages those parts of the world which are engaged in commerce have fixed upon gold and silver as the chief and most proper material for this medium ; they being in themselves valuable metals for their fineness, beauty and scarcity. By these, particularly by silver, it has been usual to value all things else. But as silver itself is of no certain permanent value, being worth more or less according to its scarcity or plenty, *therefore it seems necessary to fix upon something else, more proper to be made a measure of value, and this I take to be labor.*" . . . He then continues : " Yet further, in order to make a true estimate of the value of money, we must distinguish between money as it is bullion, which is merchandise, and as being coined it is made a currency. For its value as a merchandise, and its value as a currency, are two distinct things ; and each may possibly rise and fall in some degree independent of the other. . . .

"In the same manner must we consider a paper currency, founded upon land ; as it is land and as it is a currency.

"Money as bullion or as land is valuable *by so much labor as it costs to procure* that bullion or land.

"Money as currency has an additional value *by so much time and labor as it saves* in the exchange of commodities."

Tench Francis, in a paper entitled \* "Considerations on a Paper Currency," bases his theory of money upon the opposite theory of value, namely, that "value depends entirely upon utility." The paper opens as follows : "All value is given to things for their fitness or power to answer or procure the necessary conveniences or pleasures of human life.

"This value may be considered as absolute or relative. Absolute value terminates in our esteem for anything, without referring to any other ; relative is that which it has compared with another. The latter only I shall have occasion to treat of.

"From the natural state and order of things I think it may be affirmed that the worth or price of anything will always be as the uses directly, as the quantity reciprocally or inversely. *Use is the sole cause of value, and value the necessary effect of use.*" . . .

"I know of no just means whereby mankind can give value to things but by increasing or lessening the uses or quantity." With Ricardo he holds, "that this proposition is as true of money as of aught else. Or assuming the 'uses' to be constant ; the value of money as of all things else, will depend upon the *quantity* of money."

The question had doubtless often been raised : Is it possible by any device to regulate automatically the amount of paper in circulation ?

\* This paper appeared in Governor Pownall's "Administration of the Colonies," second edition, 1765.

Franklin, in 1729, thought that this condition had been realized under the original plan, but afterward abandoned this contention.

John Webbe, who wrote in 1743,\* suggested an additional device which, though never actually tried, seemed to have met with some favor. He held that: "If the intrinsic worth of movable commodities be not increased, neither rents nor the value of land can rise, nor, consequently, the demand for money to discharge the one or purchase the other. Neither on the same supposition can the continual variations in the value of movable commodities, with respect to one another, increase the demand for money; *for it is impossible that any of the sorts should rise unless the others fall.* As then the demand, and consequently the value of the paper money cannot be increased, so it cannot be lessened, but in proportion to the intrinsic worth of the commodities exchanged by it."

In other words, he not only holds with Ricardo that the "uses" being constant, the value of money in common with all commodities will vary with the "quantity," but he also seems to have had in mind the other proposition upon which Ricardo insisted so strenuously: That there can be no general rise or fall in values. He further continues: "If the reader has not forgot that when this inference was offered to be proved it was on a supposition that the quantity of money in trade remained the same, he will more clearly perceive the truth of the position now laying down, to wit, *that, could a method be fallen upon to augment and diminish the quantity of currency according to the demand for it, its value would remain unalterable.* . . .

"Now in order to preserve a constant proportion between the quantity of money floating in trade, and the demand for it, there needs nothing more than to open a bank that shall lend on good real security for the natural interest, whatever sums may be applied for; and shall also receive back any sum if not too trifling from any person offering it, though not a borrower, allowing him the natural interest or an equivalent to it, till he calls it out again. . . .

"Admitting, for argument's sake, the natural rate of interest to be five per cent, a premium of four and one-half per cent will probably prove sufficient to draw in the superfluous cash at any time extant; for such an interest, when with it the principal may be had on demand, is at least as good as five per cent on any private security, where, besides the risk, the lender can never be sure of having his money again, as he would be at the bank, whenever an opportunity offers of laying it out to greater advantage."

That this device found some acceptance at the time, is shown by its

\* "A Discourse Concerning Paper Money." By John Webbe. Pp. 11. Philadelphia: W. Bradford, 1743.

incorporation into the plan for a general paper currency, to circulate throughout all the colonies, which was submitted to the British Government\* by Governor Pownall, 1764-65-66. The sections bearing upon this point are as follows :

"Let the bills be issued for ten years payable a tenth part of the sum yearly with interest at five per cent.

"Let there be no limitation of the sums to be borrowed by any one person, but that every one may borrow as much as he can give double security for, by a mortgage of real clear estate.

"And to prevent an over quantity being extant at one time, let an interest of four per cent be allowed for all sums lodged in the office, during the time the owner suffers it to remain there. By this means it is supposed the due proportion of money, that shall be current, will find itself; and adapt itself from time to time, to the occasions of commerce."

Without in any way passing judgment upon this device for securing a perfectly elastic currency, it may still be interesting to note in conclusion that it satisfies the principal financial demands of the present Populist party. The most cursory scanning of their literature reveals two paramount demands :—First, that the national government shall establish postal or other savings banks, so that the savings of the people may be absolutely secure, the government to pay three per cent on deposits. Second, in order to pay this three per cent on deposits the government shall loan these deposits on good real estate security at four per cent.

It is manifest that it is only necessary to invert this order, that is, first loan the money at four per cent and then accept deposits of the same money, allowing three per cent upon such deposits to have Webbe's scheme for the automatic regulation of the amount of currency in circulation.

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#### HISTORY : A DEFINITION AND A FORECAST.

Is there such a thing as history? What is it? After we have taken out political science, sociology, ethnology, the comparative study of literature, arts and laws, does anything remain that we may call distinctively history? Is it perhaps the simple task of verifying documents and dates on which these other sciences rest? Even in this field distinct bodies of scholarship have grown up about paleography, diplomatics, epistography and chronology. The School of Charters

\*See fourth edition of Governor Pownall's "The Administration of the Colonies," London, 1768.

in Paris and similar schools in other centres of scholarship are rapidly specializing all the study of evidence, so that about the sources of history legally trained specialists begin to swarm, on whom we must depend for the identification of documents and dates, the reading of manuscripts, the value of vocabularies.

Is there anything left after subtracting all these specialties which may be called history? Let us subject the remains of Greece to the process. Here a philologist works his life out on the dialects, fixes their relationships, develops the subtler meanings of the Greek vocabulary, discovers the origius of Homer with more certainty, and has something authoritative to tell us of the early migrations. Here the archæologist grubs at Delphi, and from long buried foundations and remains reconstructs life on its material side. The sociologist and the student of institutions dissect the social and political structure distinctly forth from the whole body of Greek literature and law; scholars edit exact texts from fragmentary inscriptions and palimpsests; every scrap of old Greek marble becomes an inspiration and instruction for the art student and the critic; and yet in a general way we say these specialists all deal with and elucidate historical facts as if there were some large inclusive unit called history. What, then, is that large inclusive unit which makes the buried tombs, the varying dialects, the Greek marbles, historic as well as archæologic, philologic, æsthetic? That large inclusive unit is the *story of progressive action*. When we know how the old Greek spoke, dressed, ate, governed or worshiped, there is still something left for us to know, namely, what he did, how he came to do it, and what good or harm resulted. Neither sociology, political science nor paleography concern themselves greatly with the Persian war, for instance. They leave aside all that class of events which we call action; that peculiar human product which uses speech, art, government, faith as tools by which to work out a destiny, a character, a continuous change for better or worse; tools by which he builds an Athenian democracy, a Hellenic empire, and makes himself a Greek, in short. The special scholar gives us details. It is for the historian to use these in telling the story of the march, its goal, its hardships and heroisms, its success or failure. The ethnologist, philologist, and so on, bring stone and wood; it is for the historian to build, to gather studies on Greek dialects, Greek antiquities, Greek art into one proportioned and related whole, to wit, the history of the Greek. He is not to repeat what they have told, but to relate it. To the philologist the Greek is all mouth; he hears only his speech in Attic, Spartan or Beotian twang; to the student of political science the Greek is but the creature of the demos or the tyrant; for the student of literature and art, he sits all day in the

theatre, or works all day at the frieze of the Parthenon ; to the student of comparative religion, he is the worshiper of Zeus, Athena, Dionysius ; to the historian he must be all this—the Greek of Attic, Spartan or Beotian twang, democratized or tyrannized, now sitting all day in the theatre, now working all day at the marble, now sacrificing to the great gods. But he is besides all this, and because he is all this, the man of Marathon, the support of Pericles, the forlorn hope of the Greek leagues, the listener of Socrates, adding to human life an increment of freedom, beauty and temperance.

History bears thus the same relation to the special studies of society that biography bears to the special studies of the individual. Anatomy, psychology and a crowd of special inquiries crowd about impersonal man ; biography takes hold of the personal man, studies this anatomy and psychology in action, studies motive, progress, accomplishment and method ; so history deals with the social unit ; it studies the *progressive personality of a people, as it develops through environment and action into social success or failure*. Take a great historic fact, like the development of the German Empire, and we find ourselves compelled to study institutions, environment, heredity, it is true, but to study all these things in the play of action and motive, and above all in their relation to the initiative, of forceful characters like Bismarck, and unexpected events, such as Jena, acting on sensitive masses of awakened men.

Is not, then, the stream of events the peculiar concern of history ? The events are now literary, now political, now military, as the people fight, think or feel ; but all surge together in the flow of the great stream, always running on, bearing with it the freight of ages gone to ages yet to come.

But is the historian to be the impassive spectator and impersonal chronicler of the stream of events ? Even so, he belongs to the ancient craft of Herodotus, a mirror clear and true of the sweep of the social stream. Better still if he have the power of art ; the power to see relation, proportion, light and shade ; best of all, if he have the power of insight, can see tendency and the subtle spirit of the time ; the larger, clearer vision, the greater master he.

But the spirit of the modern age which specializes, which looks after every detail with sharpest criticism, which has broken up the old Greek philosophy into a hundred fields of science, seems ready to turn its back on the old narrative history, and gives us instead a mass of edited documents, a collection of verified fragments, and says : " Behold the remains of the past ; make what you can of them." The time is indeed gone by when the study of history can be pursued elsewhere than where the sources of history spring ; documents and



monuments mark the way. And the public presses after the scholar ; is never content to be put off with the dishes of yesterday ; but since it cannot spend all its time in the great necropolis of humanity, it asks of the scholar,—what have you found that is of interest to us all, what great mummied king, what great word in the manuscripts ?

How then work all these fragments into a connected and related whole ? Yet is it not just by the fragments that we know the course of the stream ? May it not be that in the future the popular history will take the form, not so much of the narrative as of the drama ? A history of Greece will open with a series of pictures which will give us the setting of landscape and town in which the drama plays ; Homer will begin the tale, Herodotus and Plutarch carry it on ; Pericles, Socrates, Thucydides will each take his turn before the audience in his own character and speech, while page after page pictures forth the glories of Greek art. Such a history is conceivable, although it will be a new form of literature altogether, and the literary talent required to produce it will be of the sort that feels sympathetically and surely the type of life, the soul of an action, the harmony and proportion of parts, and which is dominated above all, by the clear vision of the whole stream of life, with an eye not to be caught too long by flotsam and jetsam, floating on its surface.

MARY SHELDON BARNES.

*Leland Stanford Jr. University.*

## BOOK DEPARTMENT.

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### REVIEWS.

*The Life of Charles Loring Brace.* Chiefly told in his own letters. Edited by his daughter (EMMA BRACE). Pp. x, 503. Price, \$2.50. New York : Charles Scribner's Sons, 1894.

In preparing the "Life of Charles Loring Brace," his daughter has let the story tell itself through her father's letters. The work of editing has been admirably done, and the clearness with which the man stands revealed justifies this method of writing biography which in some recent instances has proved less successful.

It may be questioned whether it was not a mistake to make the book so long. In the earlier parts especially considerable compression was possible without obscuring the character "in the making," or the preparation for the life-work. It is unfortunate that both the length and the price of this biography should shut it out from a large class of readers to whom it would prove an inspiration.

The book deserved a good index ; it has none. In the life of so public a character as Mr. Brace, identified with so many lines of philanthropic work, and coming in contact with such a host of leaders of thought, the reader wants the means for ready reference, and for this the chapter headings are quite inadequate.

Charles Loring Brace was of Puritan descent, his ancestors having lived in Hartford for nearly two hundred years. At Yale he showed a mind remarkable for its receptivity and freedom from prejudice. From his earliest years his nature was deeply religious. Perhaps the "*selbst belauschen*," which he deprecated in others, was over-prominent in himself. In his youth one of Bushnell's sermons on "Unconscious Influence" had made a great impression on him, and he left college intending to enter the ministry.

Returning to America in 1851 after a year of travel, during which five weeks of harsh imprisonment in Austria under suspicion of being the intermediary of exiled revolutionists had deepened his sympathy for the unfortunate, Mr. Brace resolved to enter philanthropic work, preferring the life of a city missionary to that of a pastor. He entered

hopefully into work among the "submerged hundredth" in the Five Points, with an occasional visit to Blackwell's Island. But the experience of a few short months convinced him that reforming the "bummers and snoozers" was "sisyphus-like" work; prevention was to be aimed at, rather than cure. As a tentative step, "boys' meetings were organized, to draw in the rough dock loafers, and reach and influence them by stories and allegories." In the following year, 1853, the Children's Aid Society was organized, with Mr. Brace as its secretary. At the very beginning this young man of twenty-six sketched a program of principles, then deemed visionary, but which has since become "a part of the settled principles of the century." These were: "the absolute necessity of treating each youthful criminal or outcast as an individual, and not as one of a crowd; the immense superiority of the home or family over any institution in reformatory and educational influence; the prevention of crime and pauperism by early efforts with children, and the vital importance of breaking up inherited pauperism by putting almshouse children in separate homes, and, most of all, the immense advantage of placing out neglected and orphan children in farmers' families."

Though this is an epistolary biography, Miss Brace has succeeded admirably in showing how the Society broadened and developed. Industrial schools, newsboys' lodging houses, girls' lodging houses, summer sanitariums were successively organized. Most efficient of all was the work of emigration by which the vagrant children, who threatened New York's future, were distributed among the farmers' families of the West. Careful registration and correspondence were continued; cavils were silenced when it was proved that "of the smaller children not 3 per cent have turned out badly, and of all children under fourteen not more than 5 per cent." Never was there a truer friend of the vagrant child. Through the Society more than one hundred thousand persons, 86 per cent of them children, have been assisted to new homes and occupations; not less than half a million children have been aided in ways devised by Mr. Brace.

His tastes naturally led him into the fields of history and theology, and the work of his spare hours forms a worthy literary monument. Absolute fidelity to his own convictions was the first quality that he sought in his writing. In his best known religious book, "Gesta Christi; a History of Humane Progress Under Christianity," he aims to prove that Christ is the originator of modern progress, the teacher and embodiment of absolute morals, and hence that Christianity's claim to be a supernatural religion is justified. The strength of his last years was given to a book entitled "The Unknown God: or Inspiration in Pre-Christian Ages," in which he aimed by an examination

of pre-Christian religions to show that "in all races and ages there were revelations of God to individuals, and in the constitution of mind and the world, so that truths were uttered and principles taught and lived upon similar to those of Christ." In an earlier book Mr. Brace described "The Dangerous Classes of New York," speaking, from twenty years of experience, as an authority on efforts in charity, reform and education.

The qualities which especially fitted Mr. Brace for his work were sympathy and capacity for friendship. His nature was open, receptive. Before he began his life-work, in a letter to a friend he wrote: "I hold myself more fit for friendship than ever before, even with the unworthy." It was this fitness for friendship that knit him close to those with whom he came in contact in whatever land, or of whatever creed.

GEORGE H. HAYNES.

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*The Theory of Transportation.* By CHARLES H. COOLEY, Ph. D.

Publications of the American Economic Association, Vol. IX, No. 3, May, 1894. Pp. 148. Price, 75 cents. New York: Macmillan & Co.

The influence of the present tendency to regard all economic questions as parts of one consistent whole to which the term "sociology" is applied, is evident in Dr. Cooley's monograph on "The Theory of Transportation." In economic thought men have turned away from the individual toward society, and investigators having found in society unity of organization to a larger degree than they anticipated are fascinated with the idea of studying all economic phenomena in their social setting. Dr. Cooley says that his essay "is an attempt to put two things together: to write a theory of transportation from a sociological standpoint." This he regards as the chief merit which his work possesses. It may seem strange that one who is thoroughly in accord with Dr. Cooley at every point in his discussion and one who regards the work of especial value, should not consider the sociological character of the monograph as its chief merit. To my mind the book is valuable because it is a truly economic discussion of transportation. To have approached this economic discussion from the standpoint of the sociologist has resulted in many interesting forms of expression and presentation, but has not changed the essential character of the book from that which would have been given it by the economist whose point of view is not distinctly sociological.

Dr. Cooley's monograph is divided in thought, though not in form, into three parts. In the first four chapters the author discusses the

manner in which transportation is conditioned by natural or physical conditions ; in the succeeding four chapters and also in the fourteenth, the work deals with the relation of transportation to social institutions, to the military and political organization. Chapters IX to XIII, inclusive, deal with the relation of transportation to the economic organization of society. The second of these three parts is distinctly sociological ; these chapters are essentially social history. This, as well as the first part of the monograph, is interestingly written, and brings the discussion of transportation into a field new to English writers, but not into one where much is to be found that throws light upon present problems.

The most valuable part of the work is contained in the third division : the discussion of transportation and economic organization. A portion of this discussion is devoted to a suggestive chapter on the location of towns and cities, in which the author outlines a subject to which, it is to be hoped, he will give a more elaborate treatment in the future. It is in Chapter XII on the general theory of rates that students of transportation will find the most important part of the monograph. In this chapter four principles which underlie the theory of rates are advanced. These are : that rates should secure justice among persons ; that they should bring about the utilization of special facilities arising from immovable natural agents ; that rates should favor a diffusion rather than a concentration of manufacturing and commercial industries ; and that they should give the greatest possible freedom to the action of economic forces. These four principles are briefly discussed and declared to constitute the basis of an adequate general theory of rates.

In the closing chapter of the monograph the author reverts to the political relations of transportation, and takes the conservative and thoroughly tenable position that competition between railroads for the traffic of cities is " inconsistent with the just or efficient performance of the function of transportation, and should cease to exist." The railroad industry is held to be " essentially organic, and in it the system of unity must and should prevail ; its introduction should not only be permitted but encouraged and enforced." The author thus believes in railway combination and railway organization in order to bring about unity of management. He, however, believes " that efficient railway organization must be associated with public control." He believes in private railways for the United States, subject to efficient public control. He rightly claims that it is a mistake to imagine that public ownership of the railways would do away with the railway evils. He says " there would still remain the most complex question of all, the adjustment of rates among different places and different commodities."

As Dr. Cooley maintains, it is the formulation of a comprehensive theory of rates, and not the question of public or private ownership that lies at the basis of the transportation problem.

The book is thoroughly suggestive. The author attempts only to state and analyze the problems of transportation, and not to solve them. His conclusions are conservative, and for that reason of real value. The absence of all pretence of stating a panacea for railway troubles, gives the work genuine scientific merit. This first earnest attempt of an American economist to discuss transportation from an economic standpoint gives promise that our transportation literature will be of greater value in the future than it has been in the past. The subject of transportation has been studied too much as a technical, and too seldom as an economic problem. This monograph is cast in the right mould.

EMORY R. JOHNSON.

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*Three Months in a Workshop: a Practical Study.* By PAUL GÖHRE, General Secretary of the Evangelical Social Congress. Translated from the German, by A. B. CARR, with a prefatory note by Professor Richard T. Ely. Pp. 219. Price, 2s. 6d. London: Swan, Sonnenschein & Co., 1895.

It is said that an ounce of fact is worth a ton of theory, and Pastor Göhre's practical study of factory life in Germany will convince many readers that the saying is something more than a platitude. The genesis of this unique little work is noteworthy. During his student years as a theologian Herr Göhre found himself drawn powerfully toward the study of social questions. Dissatisfied, however, with a purely theoretical consideration of them, and conceiving this to be at best superficial and illusory, he determined before completing his theological course to cultivate close acquaintance with industrial conditions by living the life, and doing the work of a factory operative in his native Saxony. Of the three months devoted to this unusual life, doubtless the three most fertile in useful knowledge of social problems which he has ever spent, this book is an intelligent and instructive record. Here the German workman is pictured as he "*lebt und webt*," as the national saying runs. He stands before us, with all his excellencies, with all his defects; at his work, at his play, in his home, in his club, at the ball, at the drinking board. It is deeply interesting to follow Pastor Göhre as he discovers for us the mental and moral constitution of those who were his colleagues in the workshop. He appears to have met men of every grade and shade of character—men of strong intelligence and unswerving rectitude, and men who did but little honor to their order.

But almost all were alike in this—that they were socialists, and regarded the social democratic state not as a dream but as a practicable ideal. Of course he found the working classes permeated by discontent, but it was a discontent which had a nobler basis than mere greed. The result of his observations was a conviction that the labor question is not merely a bread and butter question, but an intellectual and moral question of the first moment. He found existing, on the part of the whole class of factory operatives, “an ardent longing for more respect and recognition, for greater actual and social equality in distinction to the formal and political equality which is already theirs,” and in accordance with this a “deep desire to be no longer, in the coming industrial order, merely the dumb and passive instruments of a superior will; no longer obedient machines, but men; not hands alone, but heads.” Of what Pastor Göhre says regarding the irreligion which he found amongst the working classes, and regarding his conception of the Church’s duty in relation to social questions, this is hardly the place to speak.

The whole volume, however, will repay thoughtful and repeated perusal. The great light which it throws upon many obscure sides of the great, complex social problem which Germany, like other countries, is facing to-day, is simply invaluable.

The translation seems to have been successfully done.

WILLIAM HARBUTT DAWSON.

*Town Life in the Fifteenth Century.* By Mrs. J. R. GREEN. 2 vols. Pp. 441 and 476. Price, \$5.00. New York and London: Macmillan & Co., 1894.

Mrs. Green’s work had been announced for some time before its appearance, and was looked for with considerable interest. Several claims to attention combined to lead scholars, even more than general readers, to expect a book of more than usual importance. In a certain sense Mrs. Green’s work was the continuation of her husband’s. In fact the present volumes she explains to be a development of the ideas of a well-known chapter in the *History of the English People*. His great influence on the reading and study of English history has been very generally recognized to have been deprived of its full effect by his early death, and in this work that influence might fairly be expected to continue. Secondly, the phase of history treated of is rapidly becoming the dominant aspect of historical study. It seems that the most original, most productive and most promising English historical work is, for the present, at least, being done in economic history; and a careful study of the organization and life of the towns

at perhaps the most critical period of their history, would certainly be no unimportant contribution to that subject. Lastly, the fifteenth century is the least known period in English history since the Norman Conquest. Most of the monastic chronicles stop before the beginning of that century; the city chronicles have hardly begun and are local rather than national where they do exist; the great landed estates have not left such full papers, and the line of great writers is almost completely broken. There are just two sources that promise a fuller knowledge than we already possess of that period; the local records of the towns and the local records of the manors. General as well as economic history might, therefore, gladly welcome any picture of the life of the fifteenth century drawn largely from one of these sources.

And much of the promise indicated in these claims to interest has certainly been fulfilled. We have two handsome volumes beautifully printed and beautifully written. Mrs. Green's style is clear, graceful and eloquent, notwithstanding one or two habitual affectations, such as "big" and "bigger," for "large" and "larger." For all the apparent technicality of the subject the book is easy and interesting reading to anyone interested in history in any form. The town life of that distant period is made to seem real, the persons lifelike, and the events natural. Our old familiar general history too takes on a new clearness of outline when we suddenly meet its kings or ministers, its great barons or churchmen moving and speaking and disputing with these burgher folk. There is no other collected body of information concerning cities and boroughs at the close of the Middle Ages at all comparable to this for amount and truthfulness. The growth of handicrafts in these towns, the early triumphs of English commercial enterprise, the relations of the town corporations with the lords above them and the populace below them; their quarrels with the church, with their neighboring towns, rivals or allies; the gild merchant and the craft gilds, burghers and interlopers, the ordinary life of the people and its frequent vicissitudes—all these are described and illustrated with a wealth of example and quotation from the records of more than eighty towns. This book is evidently, therefore, a valuable addition to English historical literature, and readers of English history will find it, in its picturesqueness, its originality, its delightful clearness of style, a worthy accompaniment to Mr. Green's best work.

But there must be another side to our estimate. It has been said above that special students of the subject also looked forward to this work as an important contribution to scholarship, as well as to historical literature, and these, we fear, will feel somewhat disappointed with



the results of Mrs. Green's study. Such a wide survey of the field, and such a deliberate study of the original materials should have cleared up more of our difficulties, given us a deeper insight into the constitution of the towns, and made a more calm estimate of their relative importance in the life of the period. The fault is not in the materials from which the book is constructed. References are invariably given, and are either to original authorities, or to the best secondary works, as for instance in matters of commerce to Schanz's *Englische Handelspolitik*. Nor indeed can the fact that the title of the book is something of a misnomer be considered as a serious fault. Although the only restriction of period is an avoidance of events after the close of the fifteenth century, yet this absence of effort to give a definite picture of the fifteenth as distinct from earlier centuries probably prevents the introduction of indefensible statements or distinctions. But from the scholar's standpoint there is one considerable sin of omission, and at least two of commission. The first is the failure to throw light on the especially difficult questions connected with town history. It is true that the discussion of the origin of the towns is fairly enough precluded by the lateness of the period chosen; but in the question whether the characteristic elements of the city governments began when they received their charters, or existed before, only receiving confirmation in the charters, the author takes the first alternative for granted without discussion through the whole work, only to throw doubt on it incidentally in a late chapter on another subject. Again, there is a very general difference of opinion among scholars as to whether the towns were generally decaying at the close of the fifteenth century or not. On this Mrs. Green makes no generalization whatever, nor could one easily be constructed from her narrative. On the nature of the most important institutions in the towns, the merchant and craft guilds, we get absolutely no new light. The difficult and interesting questions relating to the political organization of the towns, though alluded to everywhere in the book, are discussed only in one short chapter. In this the original suggestion is made that the "*communitas*" was the mass of inhabitants claiming rights from an immemorial custom, while the "*burgenses*" were the active citizens under chartered privileges; but this theory is quite inadequately supported, and too lightly discussed. It is moreover inconsistent with the exclusive position given everywhere else to the written charters of the towns.

Of the second class of faults, one is a certain tendency to exaggeration. The line between the dramatic and the melodramatic cannot always be drawn very distinctly, but a constant effort to attain even the former is a dangerous habit for historians. For

instance, the statement as to the independence of the towns in the fifteenth century in the first paragraphs of the book not only gives an exaggerated and a false impression, but as a generalization it is contradicted by the multitude of individual limitations detailed afterward, especially in the chapter on the "Problem of Government." Lastly, the author's somewhat uncritical habit allows one constantly to suppose that she considers the stages of development of all the towns to have been so nearly simultaneous, and their characteristics so similar that what is true for one is true for all at the same period. On page 179 of the first volume, the declaration that the newly made burgess "was bound to live within the walls of the borough, for his franchise was forfeited if he forsook the town for a year and a day" is a perfectly general statement, and we learn from a foot-note only that the provision was peculiar to Carlisle. Perhaps in an individual instance such an objection is hypercritical, but when it occurs a hundred times, the value of the work is seriously diminished.

To sum up then, the large body of intelligent general readers of history will find the work under review eminently valuable and interesting, the small group of special students of English economic history will find in it valuable references to original sources and suggestive descriptions of detached episodes, but they will not find that any substantial progress has been made in their own field of work.

EDWARD P. CHEYNEY.

*University of Pennsylvania.*

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*Co-operative Production.* By BENJAMIN JONES, with prefatory note by the Rt. Hon. A. H. Dyke Acland, M. P., Vice-president of the Committee of Council on Education. Pp. viii and 339. Price, \$3.50. Oxford: Clarendon Press; New York: Macmillan & Co., 1894.

This book, for which "The History of Co-operation in Great Britain" would be a less misleading title, finds its public ready to receive it. While not a little has been written concerning the theory, expediency and desirability of co-operation, we have here for the first time an exhaustive account of the practice of the movement. The following sentences from the preface explain sufficiently the character of the work: "To preserve the experience and knowledge of those who remember some of the earlier efforts in associated industry, . . . and to search such scanty records as remain, is the task which has been undertaken here. . . . Here, for the first time, are put together, in a compact form, the records of many efforts, successful and unsuccessful, to realize the aims of the older co-operators of the earlier part of this century. . . . This information was fast slipping away when Mr. Jones

began the series of articles in the Co-operative News which are to a large extent embodied in this volume."

The book is addressed more particularly to co-operators. But, though its interest is greatest for them, everyone believing in an economic solution of the labor problem will find in it much suggestive material. To the general reader it is an encyclopedia of information. The fact that it is limited to the co-operative movement in Great Britain need not strongly militate against its value, since in that country co-operation has attained its highest development.

The book falls naturally into three parts. The first treats briefly, and in a general way, of the beginning and working of certain phases of the movement. In introducing the subject the author gives a brief and not very well arranged account of the co-operative movement. The community experiments are then treated. A chapter devoted to Robert Owen's co-operative community is quoted, for the most part, from a tract by Owen himself, and gives the reader a very incomplete idea of Robert Owen and his experiments. Nothing is said of the experiments in America. The author next treats of the Labor Exchanges, or the effort to adjust the supply of labor to the demand; redemption societies for the redemption of labor by collections from the laborers; and the Christian socialist associations. The author also discusses the relation of labor societies to the law, explaining under what difficulties they have labored before and since "limited liability" has been applied to them. Some general statistics are given concerning Domestic Production, under which term are included tailoring, shoemaking, baking and the dressing of cattle.

The second and by far the most important part of the book is that devoted to the history of the hundreds of co-operative experiments which have been undertaken since the time of Owen. It contains a wealth of information and shows a considerable amount of careful research. The author has obtained his information at first hand, and gives numerous quotations and exact references which should prove invaluable to the student. All departments of industry are treated. Fully three-fourths of the book are devoted to these descriptions, which cover experiments in corn-milling societies, cotton factories, woolen factories, sundry textile and kindred societies, boot and shoe societies, the iron trades, the collieries, building and allied trades, printing, publishing and paper making, agriculture and miscellaneous societies. An interesting chapter is also devoted to the wholesale societies. The plan pursued in these sketches is to take up each society, explain the purpose for which it was organized, mention the number of members, and the capital per person. Figures to show the amount of sales, receipts, expenditures, gains and losses follow. The progress made, its

success or failure and the reason for it completes the sketch and affords sufficient material on which to base conclusions, and make valuable comparisons.

The rest of the book, less than a hundred pages, represents the views of the author on co-operation. The author has contented himself with making general suggestions. He reviews the purpose of co-operation, saying "the great animating influence in all co-operative effort has been the desire to obtain justice," that it has been "the inconsiderate treatment of work-people" which has roused them in an endeavor to help themselves. For co-operation to succeed the author emphasizes three things, education of all classes in the ideas of co-operation; a proper appreciation of the "necessity of the division of labor, exchange of services, and the accumulation of capital," and a knowledge of the value of "democratic association."

The mere mention of the more important questions arising in co-operative work—the organization and management of co-operative societies, and the problem of profits and profit sharing, and finally a consideration of the nation itself as a co-operator—suggests the wide field of debate into which the author enters. The volume as a whole deserves praise. Some of the subjects have been more fully treated by other writers, but much of the information is not elsewhere available. It is not a display of rhetoric; the author rightly contents himself with telling his facts in a straightforward manner.

LEO G. BERNHEIMER.

Philadelphia.

*Bimetallism.* By HENRY DUNNING MACLEOD. Pp. 138. Price, \$1.75. London and New York: Longmans, Green & Co., 1894.

*Honest Money.* By ARTHUR F. FONDA. Pp. 209. Price, \$1.00. New York and London: Macmillan & Co., 1895.

*Common Sense Currency.* A Practical Treatise on Money in its Relations to National Wealth and Prosperity. Intended for the Use of the Common People. By JOHN PHIN. Pp. 244. Price, \$1.00. New York: The Industrial Publication Company, 1894.

Henry Dunning MacLeod's tract on Bimetallism, the object of which is "to supply to monometallists a concise but sufficiently full statement of the facts and arguments upon which their system is founded," is an excellent sample of the complaisant type. Mr. MacLeod crushes bimetalism to dust. Bombast fills a preface of sixteen pages. The book is, indeed, worthy of a better preface, yet it is no answer at all to bimetalism. There is considerable reason for suspecting that Mr. MacLeod has no idea of the bimetalist's contention. Nowhere does

he even discuss the theory that the value of the precious metals is due to the double demand for them for use in the arts and for use as money. He assumes that the value of silver and gold bullion is regulated by the law of demand and supply as is the value of any other commodity, and then takes for granted, without discussion, that the monetary use of the bullion has no effect upon the demand for it. Thus he ignores the very basis of the bimetallic theory of money, and his book from a controversial point of view is worthless, not to be compared for an instant with Giffen's "The Case Against Bimetallism." MacLeod puts together in brief compass, but with no special clearness or coherence, the views upon money of Oresme, Copernicus, Lowndes, Locke, Lord Liverpool and other old writers, and publishes a scrappy history of bimetalism in England, India and France. It is hard to find anything about the book that deserves praise.

Mr. Fonda's "Honest Money" is an effort to show that a commodity standard of value is not only just, but practicable. The book is for general readers rather than for the student. It sets forth the Austrian theory of value as applied to money, describes the common monetary systems in use, and discusses the merits of gold and silver monometallism. His plan is for a commodity standard of value that shall not be permitted to fluctuate, the supply of money being regulated by the government so as to prevent a rise or fall of general prices. Money, of course, would be paper, and it would be a promise to pay "a definite value" rather than a quantity of a commodity, but it would be "redeemable in any commodity at its current market price." However, as it would always purchase such a quantity of the commodity in the market, reasons Mr. Fonda, it would never be presented to the government for redemption. The government, therefore, need keep no redemption reserve of commodities on hand, while gold itself would be treated like any other commodity, being in special demand merely for the settlement of foreign trade balances. Mr. Fonda is clear enough while discussing the theoretical advantages of his ideal money, but he does not seem to realize the serious nature of the practical obstacles in its way. How, for instance, shall the government regulate the volume of money, granting that the official statisticians have correctly determined that an increment or decrement is necessary? This is the rock on which any ideal system of money is liable to split, and Mr. Fonda is unduly confident when he says that "doubtless several plans might be proposed for putting such a money into circulation and controlling its volume." As one "simple and effective plan" he recommends that the money be loaned by the government on approved securities, the rate of interest varying with prices, falling as prices decline, and rising as prices rise. Thus when

a panic threatened, the government would be ready to lend indefinite sums of money at a low rate of interest, and the panic would be averted. As prices advanced, the government would raise its discount rate, on outstanding loans as well as on new ones, and money would in consequence flow back to the national treasury. Effective as this plan seems to be in theory, it involves many grave practical considerations, political as well as financial, that must be thoroughly discussed before a proposal for an ideal money can be seriously entertained.

Mr. Phin, who also has at heart an ideal system of money, dedicates his book to "the farmers and mechanics of the United States." It is worth their while to read it, for Mr. Phin, before exploiting his own hobby, lays before the reader very clearly the elements of what may be called the science of money, 215 of the 244 pages in the book being devoted to this fundamental work. The chapters on convertible and inconvertible paper money, on the value of money, on banks and their relation to the currency, and on bimetallism are fair and reasonable in tone and are sufficiently clear and popular in style for the class of readers whom Mr. Phin addresses. He agrees with the advocates of the free coinage of silver in holding that gold has in the last twenty years been given an increasing amount of money-work to do and that therefore mischief has been caused by falling gold prices, but he rejects their remedy as illogical and dangerous. Bimetallism, he contends, is safe and feasible only under a strong international agreement. Mr. Phin has what he believes to be a better plan for economizing the use of gold and thereby checking the tendency to lower prices. He would have gold used as the sole basis for value, but would not have it available for use as currency. The only legal tender currency should be paper money redeemable in gold bullion, the government always keeping on hand a sufficient amount, say \$200,000,000, of gold bullion for redemption purposes. As gold would not be available for payment of duties or for bank reserves, or for any of the uses of a medium of exchange, there would be no demand for it except for export, and this demand would not arise except in obedience to a natural law, the operation of which would have a healthful and proper effect in restoring a price equilibrium between this and other countries. In order to provide for the expansion of currency in localities immediately when needed, Mr. Phin would have the national banks authorized to issue notes in unlimited quantities on the security of first-class national, State, county and city bonds, these notes to be guaranteed by the national government and to be redeemable in the national currency. There are no serious economic objections to Mr. Phin's general plan. Gold is undoubtedly an expensive medium of exchange, and its use as such is certainly

not necessitated by its use as the standard of value. But, as Mr. Phin knows, it is exceedingly dangerous to make experiments with a country's currency, even along the line of correct theory, and in a democracy it is not safe to make any radical change until it is understood and approved by the average intelligence of the country. However, it is to be hoped that Mr. Phin's book will be read by the farmers and mechanics of the country. It will raise the average of intelligence on the money question, and so bring nearer the day when it will be worth while to discuss at length the practical details of his plan for a common-sense currency.

*University of Pennsylvania.*

JOS. FRENCH JOHNSON.

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*Natural Rights: a Criticism of Some Political and Ethical Conceptions.* By DAVID G. RITCHIE, Professor of Logic and Metaphysics in the University of St. Andrews. Pp. xvi, 304. Price, \$2.75. London: Swan, Sonnenschein & Co. New York: Macmillan & Co., 1895.

If ever there was a time when clear notions were needful as to the meaning and relevancy of that much-abused word "rights," it is the present, and if Professor Ritchie's treatment of this theme could only be popularized it might help very materially. Yet we would not give the impression that this work is reactionary in tendency. On the contrary, its spirit is eminently sympathetic and is most tolerant where it is most critical; and if Professor Ritchie has political prepossessions of his own, his habit of dealing equal strokes all round effectually protects him from the aspersion of prejudice. Perhaps the best possible commendation of the work is the fact that it will neither please nor displease any party or school completely. Clearly, then, Professor Ritchie must be on the way of truth.

Of the two parts into which he divides the book—(1) the theory of natural rights historically considered, and (2) particular natural rights—that which is devoted to the practical aspects of the question at issue is by far the more valuable, yet everywhere he is suggestive and instructive. Passing under review the principles of 1789 which underlay the Declaration of the Rights of Man, he goes beyond Rousseau and Locke for a genesis. Far from believing that either of these can "claim the credit of having 'discovered the lost title-deeds of the human race,'" he holds that "The theory of natural rights is simply the logical outgrowth of the Protestant revolt against the authority of tradition, the logical outgrowth of the Protestant appeal to private judgment—*i. e.*, to the reason and conscience of the individual."

After a painstaking examination of the history of the ideas of "nature" in law and politics, we have a criticism of Rousseauism in a

chapter which is acute and trenchant, and of a light and witty style. The theoretical part of the work ends with an answer to the question, "What determines rights?" His view is that "the only law of nature to which we can listen must be such as will commend itself to our reason as the statement of the principles of a coherent and orderly society which will not throw away the hard-won achievements of man in his struggle with nature and with barbarism, and which will at the same time be progressive, in the sense of being capable of correcting its own faults. Any 'natural rights' which are incompatible with such a society are only another name for anarchy." Social utility is in fact the ultimate test of what is "right."

The specific "natural rights" which are considered in the second half of the book are the right of life, the right of liberty, with liberty of thought, toleration, the right of public meeting and association, freedom of contract, national freedom, etc., resistance to oppression, equality, the right of property and the right of pursuing and obtaining happiness. Though often treading upon controversial ground, Professor Ritchie throws out upon each of these questions suggestions which every reader will appreciate and value. The chapters on liberty and toleration are especially stimulating, the more so because they contain much to excite strenuous difference of opinion. (In passing, is not Kant's "universal law of right" as given on page 142 inferior to this passage from his "*Kritik der praktischen Vernunft*," I Th., I Buch, i. Hauptst., sect. 7. "So act that the maxims of thy will may at all times serve as the principle of a universal law?") Finally, there is added in an appendix the text of various Declarations of Rights, beginning with that of Virginia and ending with the preamble to the French Constitution of 1848.

Professor Ritchie's treatment of his subject is systematic and thoroughly scholarly, and though by no means final it will be heartily welcomed by all students of contemporary movements of political and ethical thought. A healthy independence of judgment and a marked freedom from irritating dogmatism are amongst the qualifications which entitle him to speak and to claim a thoughtful hearing, while his attractive style makes the perusal of the book a source of pleasure as well as of profit.

WILLIAM HARBUTT DAWSON.

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*L'Europe et la Révolution Française.* Par ALBERT SOREL. Première partie, *Les mœurs politiques et les traditions*; Deuxième partie, *La Chute de la Royauté*; Troisième partie, *La Guerre aux rois, 1792-1793*; Quatrième partie, *Les limites naturelles, 1794-1795.* Pp. 562, 574, 556 and 492. Price, 8 fr. per vol. Paris: Plon, Nourrit et Cie, 1885-1893.



The temptation to exaggerate the importance of picturesque but relatively trivial events is probably never greater than when studying the history of the French Revolution. Too exclusive attention has hitherto been given to the events taking place in Paris itself during the years 1789-1794. The fall of the Bastille, the October days, the September massacres and all the long list of lurid episodes with the prominent actors from Mirabeau and Danton to Hébert and Herman have assumed an importance quite at variance with their true import when viewed as part and parcel of the contemporaneous history of Europe. Great confusion has been produced and distinguished thinkers like De Tocqueville have been led astray by the failure to distinguish between two entirely different aspects of the revolutionary period. The term French Revolution may be, and very generally has been, used to designate the history of France, especially of Paris from 1789-1795. In many cases and for obvious reasons this conception tends to narrow itself to the reign of terror pure and simple, and the history of the French Revolution becomes in this way synonymous with the political career of Robespierre. In indulging ourselves, however, in this exciting bit of local history, let us never forget that it is local. It does little more to explain the great European movement which found its manifesto in the Declaration of the Rights of Man and in the Decree Abolishing the Feudal System than the waves upon the surface of the gulf stream, would lead us to suspect the mighty intercontinental current extending from Mexico to Norway. The farther we leave it behind the more certainly will the French Revolution be viewed in its broad relations as a general change, first and most fully accomplished in France which was inevitable in all the other States of Western Europe. As De Tocqueville has pointed out similar conditions existed throughout Western Europe in the eighteenth century. Similar reforms have made the nineteenth century what it is. Viewed in this light, the history of Europe and the French Revolution has a unity and a significance which might well tempt the best minds to undertake to trace the general currents of progress, and to eliminate or relegate to their proper place the merely picturesque and theatrical incidents which have hitherto dazzled the observer and prevented a true estimate of the period.

Although the outcome of very concrete abuses the principles of the French Revolution were expressed in an abstract form which rendered their propagation easy but at the same time caused them to produce very different results according to the conditions in which they took effect. Their application destroyed the original purity of the conceptions. The abstract is distasteful to the many. New ideas are instantly and unconsciously moulded by the sentiments, the prejudices

and errors which result from an imperfect education and the accumulated influences of family and race. States and peoples as well as individuals have their traditions which are all the more potent and imperious because unrealized. In unexpected crises mankind has no resource except their past and, whether they recognize this or not, they are subject to the controlling and inexorable influence of existing conditions and of the reigning passions within and around them. New ideas can only be received and realized in traditional ways, and the French as well as the other peoples of Europe interpreted these abstract principles in their own way, and adapted them to the traditions of their own past.

Realizing this profound truth M. Sorel has undertaken his really great work on Europe and the French Revolution. "I do not claim," he says, "to have succeeded in explaining these great historical phenomena, but I believe that my efforts have not been in vain if I can show that the French Revolution, which appeared to some the subversion, and to others the regeneration of the old European world, was but the natural and necessary outcome of the history of Europe, and demonstrate that this revolution did not produce any results, even the most singular, which do not flow from this history and are not explained by the precedents of the *Ancien Régime*." (I. 8.)

It would be difficult to find one better fitted for the task that he has undertaken than Professor Sorel. His previous studies in diplomatic history have given him wide experience in this intricate branch of history. He has already published several volumes in this field, for example the *Diplomatic History of the Franco-German War*, *The Treaty of Paris of 1815*, and *the Eastern Question in the eighteenth century*. In his present work Professor Sorel has but one distinguished predecessor, Heinrich v. Sybel. Sybel's treatise is, however, very different in spirit and in the mode of treating the subject. He embodies much careful research which takes the form of digressions on the Polish question, and upon a variety of diplomatic intricacies which are given a disproportionate place, and are treated in such detail as to have but little interest even for earnest readers. The author is moreover unsympathetic, treating the internal history of France in the traditional fashion, and relying, as was inevitable, upon the older authorities, especially upon the partisan presentation of Mortimer-Ternaux. Owing to these defects and the positive advantages of Sorel's treatment, there is no doubt that the latter will quickly replace the older work among the English reading public so soon as a translator and an enterprising publisher are found to give us an English version.

In marked contrast to the plan adopted by von Sybel, Sorel has devoted a whole volume to the condition of Europe in the eighteenth century, and this forms, perhaps, the most valuable and original portion of his work. For France itself, under the Ancien Régime, several good authorities exist in the writings of De Tocqueville, Taine, Babeau, Louis Blanc and others. No one has, however, tried to furnish upon so considerable a scale and in so systematic a manner an introduction to the history of Europe during the revolutionary period. The work opens with a discussion of the political habits of old Europe. The author shows that the closest similarity exists between the aims and methods of Europe before and after the outbreak of the great Revolutionary War. The policy of revolutionary France and of Napoleon is but patterned and upon that of the rulers of the eighteenth century. *La raison d'État* had always served to cover a multitude of sins. Partitions, dethronements, royal executions and faithless diplomacy were not invented by the revolutionary leaders. Ample illustrations establish the existence of a perfect continuity in these respects which, while it might have been suspected, is neglected for obvious reasons by partisan writers whether they are favorable or unfavorable to the revolution. An examination of the conditions before 1792 show that the relations of the European States were such that a successful coalition against revolution was impossible. Each feared the other and sought its own immediate advantage, preferably at the cost of a neighbor. All were unconscious of the common danger which threatened the existing system. Yet the consciousness of existing abuses and the spirit of innovation are salient features of the governmental policy of the European monarchies before 1789. Of the reform movements throughout Europe, Sorel gives a most interesting review, especially of that peculiar first effect of the ideas of the eighteenth century, the "Enlightened Despotism." Frederick the Great, Catherine II., Joseph II., and Louis XVI., all illustrate a common tendency. Reform, if not revolution, was imminent everywhere, although the thoroughgoing changes of 1789 in France have tended to throw the beginnings of similar movements elsewhere in the shade.

In order to estimate the varying effects of French thought upon the different States of Europe, the author, in Books II and III of his first volume, takes up in turn the government and political conditions of France, England, Holland, Spain, Italy, Germany, Austria, Prussia, Russia, Sweden, Poland and Turkey. This portion of the work is very suggestive, especially the excellent chapter on France. For example, an interesting parallel is drawn between the governmental system of the Ancien Régime and the rule of the Convention. We have the same strict centralization of power. The deputies on mission are but the

intendants revived. The legislation against the *émigrés* bears a striking resemblance to that directed earlier against the Protestants.

In the succeeding volumes the difficulties of arrangement grow less. There is greater unity when the conflict actually begins. The internal changes in France are most skillfully treated from the broad vantage ground of European history at large. The interdependence of the events within and without France, which Bignon long ago emphasized, is always kept prominently before the reader and determines the method of treatment.

M. Sorel originally planned to trace the history only to the close of the Convention, believing that the great lines of development had been fixed by that time. His fourth volume, describing the negotiations which led up to the treaties of Basle and the closing months of the Convention, completes the work as originally conceived. The author has, however, fortunately determined to add two volumes, one "Bonaparte 1796-1804" and the other "the Continental Blockade and the treaties of 1815," which will furnish a much needed general account of the Napoleonic period from a European standpoint. We have good accounts of the diplomatic relations in the works of Lefebvre, Bourgoing, Thiers, Bignon and in more recent monographs like that of Vandal, but these are, with the exception of Thiers' voluminous account, little read by the general public. The briefer account which is promised, utilizing, as it will, the results of recent research, will satisfy the demand of the general reader, and will at the same time serve the student by furnishing a guide to the study of a complicated period, the historical literature of which is confusingly abundant.

Unlike most of his countrymen Sorel furnishes in his foot-notes a careful account of the authorities consulted. He has made use of the great works like those of Sybel and Häusser as well of the more special contributions which have been published in such abundance during the past decade or so. The great advantage, however, which Sorel enjoys over his predecessors is the vast quantity of documentary material which has been rendered available within recent years, and which he is the first to exploit upon a large scale for the benefit of the public. The last fifteen or twenty years have opened up to the historical writer a great mass of official correspondence, documents and memoirs hitherto unpublished. The labors of Arneth, Aulard, Schmidt, Vivenot and others as well as the *documents inédits* given by Mortimer Ternaux and in the numerous briefer monographs, make necessary a thorough revision of the traditional conceptions of the price. The *furcur de l'inédit*, as it has well been termed, has produced such astonishing results that a bold investigator might well hesitate to attempt to compass the whole vast collection with a view to rewriting

the history of the Revolutionary period. Sorel's reading has in spite of this been of the most cosmopolitan character, and his breadth of interest constitutes one of the great charms of his volumes. An apt passage from Bossuet or Schiller comes as readily to his pen as excerpts from the drier records of diplomacy. His style is brilliant, now and then perhaps a trifle obscure. The English reader, at least, may sometimes look twice without being perfectly sure of the writer's exact meaning. The excellent proportions of the work, the freshness of presentation, the wealth of illustration and above all the confidence inspired by the author's scholarly industry must, however, in spite of any minor defects, give the work a place among the most notable exoteric historical works of our century.

JAMES HARVEY ROBINSON.

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*Chapters on the Principles of International Law.* By JOHN WESTLAKE, Q. C., LL. D. Pp. 275. Price, \$2.60 Cambridge: University Press; New York: Macmillan & Co., 1894.

As implied by the title this work is not intended as a detailed treatise on International Law; it is a collection of seven essays based upon lectures delivered by Dr. Westlake as Whewell Professor of International Law at Cambridge. The method of the book is neither purely historical nor purely analytical, but a combination of the two. At the outset the analytical method is pursued in order that a clear concept of the nature of International Law may be formed before "the name of law is given to anything discovered in a remote state of society." In chapter one Professor Westlake discusses International Law in relation to law in general. He rejects as "inadequate" the Austinian conception of "positive international morality." Austin conceived of law as predicating a governing sovereign and an obeying subject; in the intercourse between states no such sovereign exists, hence the rules governing international relations fall within the category of morals and not of law. There is no determinate body from which a command may issue. Men, however, distinguish between those rules of morals which they do, and those which they do not, deem themselves justified in obeying. Every society endeavors to express this distinction in certain rules which are acted upon with more or less consistency. A nation does so by its law; international society has *its* rules, which do not differ in kind, but only in degree, because they are less coherent and less positively formulated. "International Law is now not less certain and better obeyed than was the Law of England" before the time of Edward I., when "old local customs, new feudal principles and habits of action, and a good deal

of Roman law . . . were being fused together into our common law." The maxim, *Ubi societas, ibi jus est*, shows the interdependence of society and law. When we recognize a society of states, we recognize that there is International Law, the body of rules governing the relations of a state to all outside it. The term *Jus* referring to both law and right, continental writers have frequently emphasized the latter meaning, while pursuing essentially deductive methods. Westlake aims to strengthen the former view by an examination of the older writers to the time of Vattel, whose work was "the focus in which the schools of reason and custom were first brought together."

Of most interest, because most timely, is the chapter on Territorial Sovereignty with relation to uncivilized regions. The partition of Africa has opened up new fields for discussion in International Law: protectorates of an altogether novel type have been assumed, the doctrine of spheres of influence has been advanced, the validity of treaties with uncivilized tribes has been called in question. Here for the first time in English we have these topics discussed in convenient form. Professor Westlake's position as one of the first of English authorities on International Politics gives this chapter preëminent value; it is to be regretted, however, that more attention was not given to the results of the Berlin Conference.

The last chapter is concerned with the laws of war. Notwithstanding the great advance in humane ideas inherent in civilization, the author is somewhat pessimistic as regards the future. He is afraid "that pity, as an operative force in the mitigation of war, has nearly reached its limit" in these democratic times owing to other feelings of equal extent and opposite tendency, "the consciousness that the war in which the nation is engaged has been willed by it, and the national determination to triumph at any cost." "Zeal for a cause, however worthy that cause may be, is one of the strongest irritants to which human passion is subject;" such was that displayed in the wars of the Reformation. The degradation of those wars might again recur if "socialism attained the consistency and power of a militant creed, and met the present idea of the state on the field of battle."

Notwithstanding these ideas, with which many would doubtless disagree, the tone of the work is admirably judicial throughout. The mental temperament of the writer is thoroughly Anglo-Saxon. He discards *à priori* reasoning as far as possible and is unwilling to make the close and nice distinctions so characteristic of the continental reasoning in International Law. This habit of thought is best displayed in his refusing to accept the distinction made, particularly by Professor Lueder, between *Kriegsmanier* and *Kriegsraison* (the ordinary rules of war and those exceptionally permitted on account

of the direst necessity), on the ground that all actions of war can be justified by necessity alone, and hence differ only in the degree of that necessity. The breaking of any rule of war on the plea of extreme necessity, "even when justified, has a dangerous tendency to corrupt and degrade those who urge it," so that it is better to have no rule at all than one which may be allowed to lapse under such a plea.

A continuation of the work is promised, presenting a full discussion of the latest developments in the doctrine of neutrality. It is to be hoped that it will be as stimulating and suggestive as is this first part.

J. S. REEVES.

*Baltimore.*

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#### ELEMENTARY TEXTBOOKS ON COMMERCIAL GEOGRAPHY.

In the recent work by Professor Gonner, we have an elementary textbook of Commercial Geography,\* written by a well-known economist. Inasmuch as commercial geography is a branch of the general subject of economics, its successful treatment requires an author versed in theoretical and practical political economy. Thus far, works on commercial geography have been too largely compendiums of information; there has been little attempt to treat the subject as a science, whose formulation should consist primarily of the elaboration of those principles of economics which refer to commerce and secondarily of the illustration and establishment of those principles by the statement of the more important concrete facts regarding the production and interchange of commodities.

Professor Gonner has not made a science of commercial geography, but he has produced a hand-book in which the order of treatment is systematic, and the material is well chosen. His method of treatment consists first, in analyzing briefly the physical and political influences which affect the economic life of a country; secondly, in enumerating the conditions upon which successful agriculture, manufactures and commerce depend; thirdly, in discussing the geography of products, to which he devotes nearly half his book, and fourthly, in taking up the commercial geography of each important country. In discussing the united kingdom, he treats of (1) the general physical and political facts influencing the economic development of Great Britain, (2) the way in which these influence agriculture, manufactures and commerce, and (3) then he gives a few statistical and other data concerning the commerce and manufactures. The plan of treating other countries

\* *Commercial Geography*. By E. C. K. GONNER, M. A. Pp. xi, 205. Price, 75 cents. London and New York: Macmillan & Co., 1894.

is in general the same, though not carried out in such detail as in the case of the United Kingdom.

The book is very condensed, several of the chapters being little more than syllabi of the subjects they treat. If one were to choose between a large textbook of the nature of a compendium of information and a brief outline work, such as Professor Gonner's, I think the wiser choice would be to take the latter and supplement it by assigned readings in such standard works as Yeats' "Recent and Existing Commerce," "Natural History of Commerce," and "Growth and Vicissitudes of Commerce."

The "Elementary Commercial Geography," by Hugh Robert Mill, a second edition of which has appeared,\* is a brief book of the compendium type in which the material is well selected. In the brief introductory chapter the author speaks of physiography and economics as preliminary studies necessary to an understanding of commercial geography. In view of the fact that commercial geography is now taught, and will continue to be given, to students who have little or no knowledge of economics it seems advisable to construct our textbooks so as to meet this fact. It is quite probable that the courses in physical geography can be broadened out to include a large part of physiography and thus supply students with that much of the preliminary knowledge requisite to the study of commercial geography; but there is no prospect of economics being studied as a preliminary. The author's atlas of commercial geography, which he published in 1889, is to be used with the textbook. The atlas is a good piece of geographical work and enhances the value of the text.

Such being the practical situation, the little book by H. DeB. Gibbins on the "Economics of Commerce"† is very timely. A better title for the book would have been the economics of trade; for the work deals not only with such strictly commercial themes as commerce and its laws, import and export statistics, foreign exchanges, bimetallism, free trade and protection, but also with such questions as money and credit, credit and banking, trusts, labor and capital, trades unions and the distribution of wealth. The topics are discussed briefly and in an elementary way; but what is given is clearly and, in the main, accurately stated. Though most definitions are carefully framed, certain inaccuracies appear as in the case of the statements regarding capital on pages 66 and 67; on page 75, however, capital is rightly defined as "wealth set apart for the production of more wealth." It seems to me that the

\* *Elementary Commercial Geography*. By HUGH ROBERT MILL, D. Sc. Second edition, revised and enlarged. Pitt Press Series. Pp. 195. Price, 1s. University Press, Cambridge, 1894.

† *The Economics of Commerce*. By H. DEB. GIBBINS, M. A. Pp. 94. Price, 1s. 6d. London: Methuen & Co., 1894.



author's conception of wages is open to criticism and that his discussion of the distribution of wealth is little more than a confession that he has no theory to explain the subject ; but here we are in the region of economic controversies, and differences of opinion are to be expected.

Could one fuse together the material of two such books as Gouner's "Commercial Geography" and Gibbins' "Economics of Commerce" and then cast the fusion in the properly fashioned mould, one would have something approaching a good elementary textbook in commercial geography. Such a text, supplemented by lectures and reading, would answer present needs.

The use of a brief text like this would be would make such a book as Lionel W. Lyde's "Commercial Geography of the British Empire" of service.\* The work consists principally of a discussion of the physical conditions affecting production and interchange of goods and an application of that discussion in the subsequent study of the economic activity of the several parts of the British Empire. The book is suggestive and will make good supplementary reading in a general course on commercial geography.

EMORY R. JOHNSON.

#### NOTES.

THE ENLARGED EDITION of "An Honest Dollar," by President Andrews,† contains two essays which have not been published in other form, one in reply to Giffen's "The Case Against Bimetallism," and one on "The Monetary Experiment in India." In his reply to Giffen President Andrews contends that the alleged premium on gold in France after 1883 was not a premium in the sense attached to the word by Mr. Giffen and does not prove that silver had lost its legal parity with gold, the main explanation of the so-called premium being found in the fact that the French mintage charge on silver was heavier than on gold. His whole argument on this point is one that the monometallist cannot afford to ignore.

CANON BARNETT and his wife represent the papers which compose the volume on "Practicable Socialism"‡ to be the miscellaneous writing

\* *A Commercial Geography of the British Empire.* By LIONEL W. LYDE, M. A. Pp. 156. Price, 2s. London: Methuen & Co., 1894.

† *An Honest Dollar.* By E. BENJ. ANDREWS. Pp. 183. Price, \$1.00. Hartford: Student Publishing Company, 1894.

‡ *Practicable Socialism: Essays on Social Reform.* By SAMUEL and HENRIETTA BARNETT. Pp. 328. Price \$1.50. London and New York: Longmans, Green & Co., 1894.

done during a fifteen years' residence in London. Thus the book does not lay claim to orderly logical sequence, and it has the defects incidental thereto. None the less many of its chapters are full of valuable observations and reflections which no one could have accumulated who had not studied the life of the poorer classes at first hand. Both Canon Barnett and Mrs. Barnett possess the faculty of keen insight, and they are alike in approaching remedial measures of all kinds with discretion and temperateness as well as sympathy. This latter essential of all sound social reform is well shown in the chapter which gives to the volume its title. Canon Barnett's outlook is a tolerably hopeful and confident one, though he does not hesitate to say that the retrospect of twenty years leaves a certain feeling of disappointment. The standard of life in East London is still far lower than it should be.

Several of the chapters by Mrs. Barnett deal specifically with the condition of women, girls and children, and contain much to suggest, much to encourage, but also much to pain.

A GOOD POPULAR ACCOUNT of the unification of Italy has long been a desideratum, the Countess Cesaresco has been more than usually successful in meeting the demand for a compendious presentation of this great episode.\* Her book is well written and as profound as is perhaps necessary considering the class of readers for whom it is destined. Good sources have apparently been used and with some independence, but these are not indicated except in a few vague references in the preface. The writer speaks of a collection of "older writings formed with much care between the years 1850-1870," from which she derived great aid, but the curiosity of the student is not gratified by any further explanation. The style is spirited, but there is no suggestion of the flippant tone so common in the treatment of recent history. Good portraits of the four great heroes of the *risorgimento* are given.

UNDER THE TITLE of the "Sphere of the State" † are bound together a series of lectures on practical social and economic questions. These are preceded by two chapters on "The True Conception of the State," and "The State in its Relation to Government." In the

\* *The Liberation of Italy, 1815-1870.* By the COUNTESS EVELYN MARTINENGO CESARESCO, with portraits. Pp. 415. Price \$1.75. New York: Charles Scribner's Sons, 1894.

† *The Sphere of the State.* By FRANK SARGENT HOFFMAN. Pp. 275. Price, \$1.50. New York: G. P. Putnam's Sons, 1894.

former the author adheres to the views expressed by Professor Burgess in his "Political Science." In the latter chapter, one of the best in the book, a clear distinction is drawn between "the State" and "the Government." The remainder of the book deals with questions outside the field of political science, and consists of a discussion of municipal government, transportation, taxation, corporations, property, education, etc. The word "State" forms a prominent part of the heading of nearly every chapter, but it occupies only a small place in the discussion. In his consideration of the various questions in their relation to the state the author's decision is based on the effect upon the well-being of the state. The sovereignty of the state is made absolute on all questions connected with human interests, and from this the author argues there is no such thing as "vested rights." The book brings together the views of some of the best writers on the various subjects treated.

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A BOOK ON "NATIONAL RAILWAYS" by James Hole\* is an elaborate statement of the argument for state purchase of railways. The book contains a large amount of data, but one feels doubtful concerning the correctness of many of the author's statements. The information in regard to America, at least, is second-hand and often inaccurate. As a sample of inaccuracy may be cited the statement on page 13 that "in the United States 99 per cent travel in carriages at least equal to the excellent third class (so called) of the Midland and the London and Northwestern Companies, or the second class of the London and Southwestern Company." This statement is quite at variance with the figures cited by Colonel H. G. Prout, the American, who has recently made a careful study of English railroads. Another instance of inaccuracy is to be found on page 31, where the total number of railway companies in the United States is put at 600. These, however, are only a few of the many mistakes to which attention might be directed.

The fundamental idea in Mr. Hole's book is sound enough, namely, that unrestrained competition is not the best nor most economic principle of railway operations. This fact, however, is not a sufficient basis for his superstructure; one may accept all the evils of unrestrained competition and still be doubtful as to the advisability of national ownership and operation of railways in all countries under all conditions.

A more careful and dispassionate study of the subject would have had a greater influence. The author's style is open to serious criticism.

\* *National Railways: An Argument for State Purchase.* By JAMES HOLE. Pp. xvi, 385. Price, \$1.10. London and New York: Cassell & Co.

There is hardly a page without a quotation of greater or less length ; the book is inexcusably padded.

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THE MONOGRAPH BY J. H. Hollander on "The Cincinnati Southern Railway," \* represents a careful and impartial study by a thorough student. The work includes a picture of the commercial necessities of Cincinnati during the '60's ; an account of the litigation involved in securing the legislation necessary to enable the city of Cincinnati to construct the railway ; a story of the work of constructing the railway ; an account of the lease and its operation ; a review of the work of the trust to which was given the management of the undertaking ; and, lastly, a summary of the results of the railway to the city of Cincinnati is given.

The story of the struggle through which Cincinnati went to obtain this railroad will do much to deter any other city that might be tempted to undertake a similar task ; but the results of the work are certainly a credit to Cincinnati, whose foresight and municipal honesty are commendable. Dr. Hollander says : "The railway has never been a factor in municipal politics and has exerted no perceptible influence in this direction." In regard to the future of the railway, Dr. Hollander says : "It will probably remain in the possession of Cincinnati for many years to come." He also thinks that "properly administered, the railway can work an entire revolution in the finances of Cincinnati." This concrete study in municipal activity is well worth the consideration alike of students of municipal government and transportation.

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VOLUMES IV AND V of the "*Histoire générale*,"† edited by Professors Lavissee and Rambaud, have recently appeared. They cover the period 1492-1648, dealing with Renaissance, Reformation and the Wars of Religion. The same well-known authors contribute to these volumes who have been mentioned in the notices of the previous issues.‡ It would perhaps have been an experiment worth trying to have omitted some of the well-worn anecdotes which convention alone appears to demand, for example, in the *généralités* of Italian history at the opening of the fourth volume. Still there is no neglect of the significant

\* *The Cincinnati Southern Railway: A Study in Municipal Activity* By J. H. HOLLANDER. Pp. 116. Price, \$1.00. Baltimore: The Johns Hopkins Press. 1894.

† *Histoire générale du IV<sup>e</sup>. Siècle à nos jours* ouvrage publié sous la direction de MM. E. LAVISSEE et A. RAMBAUD. Tome IV, *Renaissance et Réforme, les nouveaux Mondes, 1492-1559*, Tome V, *Les guerres de Religion 1559-1648*. Pp. 999 and 982. Paris: Armand Colin et Cie.

‡ See ANNALS, Vol. iv, p. 987; Vol. v, p. 616.

phases of history. M. Petit de Julleville gives us an excellent brief account of the French literature of the fifteenth century. Levasseur contributes chapters upon the economic progress and the policy of Sully, and Rambaud describes the changes in Russia and the Turkish Empire in its most flourishing days.

The readable character of the work and the thoughtful presentation of special phases of history by first-rate authorities will outweigh a few weak, conventional chapters which are inevitable in every considerable co-operative undertaking.

The work when completed will, it is announced, comprise twelve large octavo volumes.

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"SUGGESTIONS ON GOVERNMENT"\* is a vigorous attack upon widely recognized abuses and weaknesses in the working of our national, commonwealth and municipal governments. The author thinks that we have outgrown, in some important respects, our political institutions. He sees the explanation of the present evils in our government in the fact that "the individual voter has almost entirely lost control over legislation and administration." He proposes to find some way by which the popular will may be unmistakably declared. The plan which he advocates is interesting, and although we may not be ready to adopt it as a whole yet it expresses in a very fair way the logical outcome of certain tendencies in the most advanced thought on government.

The first step he advocates is a return to the principle of the old New England town-meeting. "The ancient Teutonic *folkmoet* is still the basis on which a thoroughly trustworthy government must rest." This can be attained even in large cities as well as throughout the country by dividing the voters into primary precinct assemblies of about 500 members. This primary assembly is to be considered the "normal unit of the body politic." "In small towns it would constitute the supreme local government; in larger ones it would form a council district. It would elect a county supervisor, and alone or in conjunction with others, a member of the State legislature. It would be the organ for the expression of the popular will in the initiative and the referendum. It would be an arena in which all political and social elements would meet on common ground, and every measure of public policy would find assailants and defenders." Mr. Moffett acknowledges his indebtedness to Albert Stickney for ideas on this subject. But he would carry the work of this primary assembly into the field of national and commonwealth government and

\* *Suggestions on Government*. By S. E. MOFFETT. Pp. 200. Price \$1.00. Chicago and New York: Rand, McNally & Co., 1894.

not confine it to local units. "The people in their primary assemblies should not only be the ultimate source of power, but its permanent depository." This scheme, its author thinks, promises to realize all the advantages which he believes rest in the popular initiative and the referendum, by providing a regular and natural machinery for the exercise of these powers. Proportional representation, according to the scheme of Thomas Hare, but with the modifications in detail arising logically from the division of the population into popular assemblies, would also be feasible.

The question naturally arises, whether this plan would accentuate in an undue degree the weakness of all democratic government, namely: the ignorance and vacillation of the people. Mr. Moffett thinks that the educative force of free discussion in the primary assemblies would in time remove this danger entirely. But experience scarcely sustains this hope. The States of Vermont and New Hampshire come closest of all to a realization of the scheme proposed, but their political wisdom after a century of such training is not conspicuous. Nor in the matter of political purity do these States show any advantage which may not be better explained by the sway of better morals and stronger religious principles and the absence or smallness of temptation to political wrong-doing.

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MR. MUHLEMAN'S "*Monetary Systems of the World*"\* is a very useful compilation of available statistics concerning the currency and banking systems of all countries. It contains a tolerably complete description of the kinds of currency in use in the United States and a compact sketch of obsolete systems, including State bank issues. There is a special study of the volume of the world's money and another of the United States money. The book describes the Clearing House system, gives the history of international monetary conferences, and outlines the various propositions for the solution of the currency problem in the United States. It has a serviceable index, and is altogether indispensable to the student of monetary problems.

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THE FOURTH NUMBER OF "*Economic Classics*," being edited by W. J. Ashley, is a reprint of Thomas Mun's famous monograph on "*England's Treasure by Foreign Trade*."† The reprint of this essay

\* *Monetary Systems of the World. A Study of Present Currency Systems and Statistical Information Relative to the Volume of the World's Money.* By MAURICE L. MUHLEMAN. Pp. 198. New York: Charles H. Nichol, 1895.

† *England's Treasure by Foreign Trade.* By THOMAS MUN. Pp. viii, 119. Price, 75 cts. New York: Macmillan & Co., 1895.

will serve a most useful purpose. Mun was one of the earliest, and also one of the best informed men of the mercantilists; he was engaged in the Levant trade himself, and was a director of the East India Company, thus he came to his ideas on trade by very practical means. The reprint makes a convenient and attractive little volume of 119 pages. Advanced students in economics can hardly afford to do without the work.

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AMONG THE NUMEROUS memoirs relating to the revolutionary and Napoleonic period which have recently been published in France, none are likely to prove more valuable to the historian, as well as the general reader, than those of Pasquier,\* who, as member of the Council of State, as prefect of police during the last few years of Napoleon's reign, and later as chancellor had such excellent opportunities for judging of certain phases of the history. The style of the memoirs suggests that of Miot de Melito. It is calm and judicial, evoking the confidence of the reader. The translation is good, the work constituting in every way one of the most useful and interesting contributions to the history of France during the early years of this century. Napoleon occupies no exaggerated place, the author always keeping the history of France rather than the life of its great ruler primarily in mind. The writer has aimed to lay especial stress upon the Restoration, the third volume of the English version relating solely to the years 1814-15. The last volume so far published of the French original reaches the year 1824, and it is to be hoped that the English translation will not be discontinued before it embraces the entire work.

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MR. STOKES † BELIEVES he has a plan that should bring to an end the "war of the standards." He would have the government coin pieces of silver, to be called standards, of the same weight as the present gold half-eagle, and all debts should be payable half in gold and half in these silver standards, the value of a standard to be fixed once a month by the government according to "the average relative market values of gold and silver." This plan is a revival of the ancient *electron*, for the two metals, although not mixed in the coinage, would be practically tied together in their service as a medium of exchange. Inasmuch as the rating of the silver standard is to be changed

\* *A History of My Time. Memoirs of Chancellor Pasquier*, edited by the Duke D'AUDIFFRET-PASQUIER, translated by CHARLES E. ROCHE. 3 vols., Pp. 559, 559, 461. Price, \$7.50. New York: Charles Scribner's Sons, 1893-94.

† *Joint Metallism*. By ANSON PHELPS STOKES. Pp. 221. Price 75 cents. Third edition. New York and London: G. P. Putnam's Sons. 1894.

whenever the relative values of gold and silver change, it is evident that Mr. Stoke's plan leaves gold the standard of value just as it is at present. It will receive, therefore, no favor from bimetallists, while for the believer in monometallism it possesses no advantages over the present system.

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THE FIRST THREE numbers of Volume II of the "Translations and Reprints from the Original Sources of European History," being published by the Department of History of the University of Pennsylvania, have appeared.\* The first number of Volume II is edited by Professor Edward P. Cheyney, and contains documents illustrating the history of "English Towns and Gilds." The pamphlet contains sources of information concerning customs of cities and boroughs, charters of cities and boroughs, ordinances and other records of merchant gilds, of craft gilds, and social and religious gilds. A list of English towns at various periods is also included.

Number two relates to "The Napoleonic Period," and is edited by Professor James Harvey Robinson. Students and teachers of this complex period of history will find the pamphlet of great service. The publication includes extracts from the *Memoirs of Miot de Melito*, the complete text of the secret treaty of Campo Formio and the Peace of Lunéville, Napoleon's note to the German Diet, dissolving the Holy Roman Empire, the abdication of Francis II., four documents relating to the Continental system, the Prussian Reform Edict of October, 1807, and the decree reuniting the Papal dominions to the French Empire. A bibliography is given at the end of the pamphlet. These selections from the original sources will give the student standards by which to test not a few of the numerous contradictory opinions concerning Napoleon that are to be found in the mass of literature devoted to his life and work.

The theme of number three of the second volume is "The Mediæval Student," the editor being Mr. Dana Carleton Munro. The material contained in this pamphlet will interest students of education as well as history. The reprint covers four subjects, the privileges of the students, the courses of study, the condemnation of errors, the life of the students. A good bibliography closes the number.

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M. BORGEAUD'S WORK† on Constitutions was reviewed in the

\* Cf. ANNALS, Vol. v, p. 621, for notice of previous numbers.

† *Adoption and Amendment of Constitutions in Europe and America*. By CHARLES BORGEAUD. Translated by CHARLES D. HAZEN, with an introduction by John M. Vincent. Pp. xxi, 353. Price, \$2.00. New York: Macmillan & Co., 1895.



ANNALS\* shortly after its original appearance in French; and very little need now be added to the notice then given to it. The author has gathered into orderly shape a good deal of information on his subject, and placed it at the handy disposal of teachers and students; it is a book of reference for facts rather than, to any considerable degree, a discussion of the principles involved in the framing and amendment of constitutions. The rendering into English is well done, and the translator has wisely provided an index.

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A FRIEND OF BROWN UNIVERSITY has offered the sum of \$200 as a prize to encourage the historical study of the development of religious liberty in America. The following are the regulations respecting its award: (1) The prize shall be open to general competition. (2) It shall be given to the writer of the best essay on one of the three following themes: (a) A critical comparison of the claims put forward, on behalf of Rhode Island and Maryland respectively, regarding the first establishment of religious liberty in America; (b) a critical history of the movement toward disestablishment and religious liberty in Connecticut; (c) a critical history of the movement toward disestablishment and religious liberty in Massachusetts. (3) No essay shall be received which is not founded upon original research. (4) The prize shall be awarded at Commencement, 1896, essays submitted in competition for it shall be placed in the hands of the president of Brown University on or before May 1, 1896. (5) The essays shall not bear the writer's name, but an assumed name. A paper bearing the writer's real name shall be enclosed in a sealed envelope, upon which shall be written the assumed name, and which shall be handed in with the essay.

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THE GERMAN VEREIN FÜR SOZIALPOLITIK decided on the 17th of March of this year to organize a vacation course of lectures in Political and Social Science, to be held in the buildings of the University of Berlin from the 30th of September to the 12th of October. The people for whom these lectures are primarily intended are lawyers, clergymen, teachers, public officials of all classes, journalists, and "others, including educated women." Twelve courses of six lectures each have been arranged. The price of an inclusive ticket has been fixed at 25 marks; the price for any one week for all lectures given in that week at 15 marks, and for the single course of six lectures at 3 marks.

Professor Conrad, of the University of Halle, will give one course on "Population, Colonies and Emigration;" Professor v. Miaskowski,

\* November, 1893, Vol. iv, p. 487.

of Leipsic, on "The Establishment, Preservation and Extension of the German Peasant Class;" Professor v. Philippovich, of Vienna, on "Recent Commercial Policy;" Professor Brentano, of Munich, on "The Wages Question;" Professor Knapp, of Strassburg, on "Money;" Professor Neumann, of Tübingen, on "Finance;" Professor Sering, of Berlin, on "Agriculture;" Professor Bücher, of Leipsic, on "Modern Industry;" Professor Wagner, of Berlin, on "Private Property;" Professor Elster, of Breslau, on "Social Problems of the Modern State;" Dr. Oldenberg, of Berlin, on "History and Theory of the Social Democracy;" Professor Schmoller, of Berlin, on "Social Classes and Social Struggles."

## NOTES ON MUNICIPAL GOVERNMENT.

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[This department of the *ANNALS* will endeavor to place before the members of the Academy matters of interest which serve to illustrate the municipal activity of the larger cities of Europe and America. Among the contributors are: James W. Pryor, Esq., Secretary City Club, New York City; Sylvester Baxter, Esq., Boston *Herald*, Boston; Samuel B. Capen, Esq., President Municipal League, Boston; Mr. A. L. Crocker, Minneapolis; Victor Rosewater, Ph. D., Omaha *Bee*, Omaha; Professor John Henry Gray, Chairman Committee on Municipal Affairs, Civic Federation, Chicago.]

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### AMERICAN CITIES.

The industrial depression and the consequent growth of the army of the unemployed have again revived the question of the direct employment of labor by municipalities. For some years past the English cities, especially Birmingham and Manchester, have been gradually substituting direct municipal employment of labor for the contract system. In a recent number of the *ANNALS* we had occasion to refer to the creation of a special "Works Committee" of the London County Council, which has been given power to employ labor for the construction and maintenance of public works. On the Continent, the direct employment of labor by municipalities constitutes an important item in the local budget. Thus at Paris, street cleaning and repairing, the maintenance and repairing of the drainage and water systems are under the direct management of the municipal departments, and constitute an annual outlay of over \$4,000,000 for wages.

The recent report of the Massachusetts Commission on the Unemployed contains some interesting details relating to American cities. In very few has the system of direct employment reached a high degree of development. The commission states as one of its conclusions, that, "As a rule, the city does not do construction work directly as cheaply as can a contractor to whom the work is entrusted;" on the other hand, however, "the quality of the work done by direct municipal employment is generally better than when done by contract." This latter conclusion does not agree entirely with the experience of Mr. Alfred T. White, Commissioner of Public Works of Brooklyn, who found the contract work quite as good and far less expensive than when done directly by the city. The main reason why the work done by the city is more expensive than contract work, is that the former generally recognizes the trade unions' rates of wages, which are, as a

rule, far above those paid by contractors. In some cases the departments are further hampered by regulations such as requiring employes to be American citizens. It was this fact that rendered the administration of the street cleaning department in New York City abnormally expensive, and at times prevented the commissioner from obtaining the quota of men necessary for the work. As instances of this discrepancy between city and contract wages, it is only necessary to cite the fact that in Boston the former is \$2.00 per day, the latter between \$1.25 and \$2.00; in Baltimore \$1.66 $\frac{2}{3}$ , as against \$1.00 and \$1.50; in Brooklyn, \$1.50 to \$1.75 as against \$1.00 to \$1.50; in New York, \$1.75 to \$2.00 as against \$1.50 to \$2.00; in Washington, D. C., \$1.25 to \$1.50 as against \$1.00 to \$1.25. The commission considers the \$2.00 rate, which is prescribed in most of the larger towns of Massachusetts above the ordinary market rate. The report recommends that it be the policy of the municipalities and public bodies making contracts to secure, as far as possible, the employment of residents, while the practice of introducing large gangs of alien labor in the construction of public works by contractors is condemned. The experience of most American cities, as given in the report, is of a rather negative character, as very few have directly employed labor to any considerable extent.

#### *National Municipal League Conference.*

The Third Annual Conference of the National Municipal League was held in Cleveland on May 29, 30 and 31, 1895. The characteristic feature of the conference was the large representation of the smaller cities, thus giving an insight into their condition, a subject which has hitherto been neglected, owing to the magnitude of the problems of the larger cities.

The conference was opened with an address of welcome by Mr. Cowles, President of the Cleveland Chamber of Commerce, who was followed by Mr. Norton, Corporation Counsel of the city of Cleveland. The report of the Secretary, Mr. Clinton Rogers Woodruff, reviewed the growth of the municipal reform movement during the years 1894 and 1895. Mr. Woodruff presented a striking picture of the similarity of the municipal problems in different sections of the country, and the various attempts on the part of the population to effect necessary changes. James W. Pryor, Esq., Secretary of the City Club, New York City, presented a paper on the movement in New York City, in which the work of various reform organizations since 1893 was reviewed; Mr. John W. Butler did the same for Milwaukee; Mr. Charles J. Bonaparte for Baltimore; and Mr. George Burnham for Philadelphia. On the evening of May 29, a mass meeting was held,

at which Mr. James C. Carter made an address in which the great possibilities involved in the present movement were pointed out, and the nature of the struggle clearly outlined. The session of May 30 was devoted to papers by Rev. George J. Powell, of Omaha, on the municipal conditions of that city; Mr. Lucius B. Swift on the municipal conditions of Indianapolis; Mr. Walker B. Spencer on New Orleans; Mayor George W. Ochs, of Chattanooga, on the progress of that city towards good city government; Charles B. Wilby, Esq., on the present condition of Cincinnati; Mr. D. E. Williams on Columbus; and Hon. E. J. Blandin, of Cleveland, on "Uniform Organizations for Cities of Ohio." The afternoon session was opened with an address by Frank M. Hartwell, Esq., of Louisville, Ky., on the municipal situation in that city; Dr. Isaac N. Quinby on Jersey City; Mayor William Kennedy on Allegheny; and Frank M. Loomis, Esq., on "The Federated Good Government Clubs of Buffalo." The afternoon session was closed with a paper by Mr. C. P. C. Clark, on "A Logical System of Municipal Elections."

The third and last day of the conference was devoted to the following papers: "The Municipal Condition of Seattle (Wash.)," by Mr. Edward O. Graves; "The Civic Federation of Chicago," by Professor Albion W. Small, of the University of Chicago; "Law Enforcement Societies," by Mr. George F. Elliott; "Municipal Government by National Parties," by Mr. Charles Richardson; "The Municipal Condition of San Francisco," by Mr. Isaac T. Milliken; "The Reform Movements in Portland, Oregon," by Mr. Thomas N. Strong; "The Civic Religion," by the Rev. Dr. Washington Gladden; "Municipal Conditions in Washington, D. C.," by Mr. Frank L. Siddons; "Municipal Government from a Woman's Standpoint," by Mrs. C. A. Runkle; and the closing paper on "The Work of the Christian Endeavor Societies," by Mr. John Willis Baer.

In general it may be said that this meeting of the league was instrumental in bringing together not only those interested in the general problem of municipal government, but also many who, by long experience in practical work, have become thoroughly acquainted with the administrative mechanism of city government.

**Philadelphia.**—The movement for the reform of the public school administration has taken definite form in a bill which was before the legislature, during the present session. It provided for the abolition of the sectional school boards, and the concentration of control in a Board of Education composed of twenty-one members appointed by the judges of the Courts of Common Pleas for a term of three years. To this board is given full power over the school administration, the division into school districts, the appointments of superintendents, assistant

superintendents and teachers. As a substitute for the present sectional boards, the new board is given power to appoint "suitable men or women as local boards of visitors, who shall serve without pay and whose duty shall be defined by the Board of Education." Unfortunately political influences adverse to the bill were brought to bear on the lower house and as a result the bill was killed. There is but little doubt, however, that the judgment of those best acquainted with our educational problems which was heartily in favor of the measure, will finally force itself upon the reluctant legislators.

Another important measure affecting the status of two of the larger cities of the Commonwealth, is the Pittsburgh-Allegheny Consolidation bill, approved on the eighth of May, 1895. This bill provides that whenever five per cent of the qualified electors of these two cities shall petition the Court of Common Pleas of the county in which they are situated, the Court shall order an election upon the question of consolidation in such city or cities, and if a majority of the electors are in favor of such consolidation, the act provides as to the procedure to effect the same. In order to avoid the constitutional restrictions upon local and special legislation, the act adopts extremely complicated phraseology referring to cities of the second and third class, but at no time to the cities for whose special benefit the act is intended.

The State Senate has appointed a committee to investigate the operation of the law relating to cities of the first class, known as the Bullitt Bill. This, of course, means an investigation of the departments of the government of Philadelphia. Owing to the peculiar conditions under which this committee was appointed, it is hardly to be expected that any very thorough examination will result. The legislature indeed has adjourned without making an appropriation for the committee. The Citizens' Municipal Association has come to the rescue, however, with an offer to raise the \$20,000 necessary for conducting the investigation.

#### *Street Railways.—Power of Local Authorities.*

An extremely interesting and important decision has been recently handed down by the Supreme Court of Pennsylvania\* which seriously affects the power of township supervisors in the granting of franchise privileges. The question arose with regard to a trolley line which was to run through five townships. The companies acted upon the assumption that the legal provisions relating to cities and boroughs were equally applicable to townships. As regards the former, it is a settled principle of law that "land taken for streets in cities and boroughs is in the exclusive possession of the municipality, which may

\* P. R. R. Co. v. Montgomery County Passenger Ry. Co., 167 Advance Reports, 62.

use the footway as well as the cartway for any urban servitude without further compensation to the lot owners." The construction of a street railway does not impose an additional servitude upon urban property. In the rural districts, however, the case is different. The easement acquired by the public is one of passage only. The township authorities have no power to "bind private property for the benefit of any person or corporation other than the township." The court holds that mere passage of a trolley line through the township is not a township purpose. Consent of the supervisors is not sufficient nor can the company obtain the consent of the property owners by an exercise of the right of eminent domain. While cities and boroughs have such power over their streets as to enable them to grant the use of the same to a street railway company, "townships do not possess municipal powers." Under this decision, therefore, it seems, that when a trolley or other railway line is to be constructed between two points involving passage through a township, the consent of every property owner along the line of such road is necessary before the same can be constructed. The court recognizes the great inconvenience of such proceedings and intimates that the only remedy is by additional legislation, such as giving to township authorities the same powers over roads as municipal corporations enjoy as to streets or by provisions for the assessment of damages to property along the line of the road. At present the only remedy of the individual property owner is an action at law.

The fact that many street railways have been actually constructed without the express consent of all property owners is noticed by the court. Upon equitable grounds it is held that such railways "cannot now be torn up or enjoined either by township officers or at the instance of landowners along the routes." Until some provision is made by the legislature to remedy the short-comings of the present law the development of inter-municipal trolley lines is likely to be greatly hampered.

**New York City.**—The Bi-Partisan Police Bill having passed both houses of the legislature, was sent to the Mayor of New York, in accordance with the procedure prescribed by the Constitution for all special city bills. It was confidently expected that Mayor Strong would return the same with his disapproval, which would have necessitated re-passage in the legislature, and in view of the pressure of public opinion, probably have defeated the measure. Mayor Strong, however, took a different view of the case, arguing that the new bill was a step in advance, and that it would be best to accept this compromise rather than endanger the possibility of a reform of the police department. The organizations which expressed their opposition to this measure still

contend that the Mayor has made a fatal mistake in making this concession to partisanship in one of the departments of the city government. Of course, with the present constitution of the Police Board, especially with Theodore Roosevelt as its president, every guarantee of an efficient administration is given to the people of the city. The bill, however, places it within the power of a subsequent mayor, not actuated with the reform principles of Mr. Strong, to degrade again the police administration to the level of a partisan machine.

Another measure far more satisfactory to the reform elements in the city, is the Police Justices bill, which abolishes the present Board of Police Justices, and provides that in their place there shall be nine city magistrates, appointed by the mayor for a term of ten years. These magistrates are to exercise all the powers and jurisdiction formerly vested in the police justices. In accordance with the provisions of this act, the mayor has appointed nine magistrates, only one of whom was a member of the former Board of Police Justices.

*Status of the Reform Movement in New York City.\**

Among the Good Government Clubs serious talk of preparing for the political canvass of next autumn has been heard, and the opinion seems general that the present month is not too soon for the opening of the campaign. This is a mark of increased wisdom in the reformers, and shows that they have profited by experience. The usual attempt in municipal movements to crowd all the work of a campaign necessarily educational in character into the last two or three weeks is undoubtedly a serious mistake. Many of the active men in the Good Government Clubs realize this, and are urging the necessity of early action. In November New York City will elect a county clerk, a register of deeds, twelve State senators, and thirty-five assemblymen. The question whether the Good Government Clubs, the City Club and kindred organizations are to take part in the contest for members in the State legislature, has provoked much discussion. The opinion seems to be gaining ground that, although the reform organizations desire to confine their efforts entirely to offices which are purely municipal in character, yet they cannot occupy a position of entire indifference with regard to the election of legislators who exercise immediate and almost absolute control over the law under which the government of this city shall be administered. It seems probable that the reform organizations will take steps to influence the nomination of satisfactory men by the parties for the State legislature. It is believed that the reform organizations have learned the lesson that, generally speaking, no man proposed originally by a regular political organization can be

\* Communication of James W. Pryor, Esq.



trusted to adhere to the principles of the reformers in regard to city legislation. It is contended by some that bodies purporting to be interested only in municipal matters ought not to take part in contests which involve State, and even national, questions. The senators elected this year will participate in the election of a United States senator two years hence. On the other hand, many take the view that the reformers cannot afford to ignore the fact that the government of the city may be affected very seriously by legislation passed at the session of next winter.

The way in which the new board of police appointed by Mayor Strong has taken hold of the department is an admirable object lesson in the simple art of applying vigorous, common-sense business methods to the administration of a city department. The four new commissioners have done nothing which in any well-governed community would excite particular comment. Yet the spectacle of police trials in which the men are really tried, of ordinary economy in the distribution of supplies to the station houses, of commissioners inspecting the force in detail as they happen to be in the different parts of the city, has created something like a revolution in the department, and has filled the people with wonder.

The cause of good government may be said, therefore, to be advancing at no mean pace.

The constitutional amendments adopted last November fix the new senate districts throughout the State. The duty of fixing new assembly districts devolved in this county upon the Board of Aldermen. The political factions of the board have been hard at work seeking to secure, each for itself, some advantage from the gerrymandering of the districts. It was thought a few days since that the Republicans had perfected a deal with Tammany by which the districts should be so arranged, as to divide them between the Republicans and Tammany. Now, however, the board has adopted an apportionment which is designed to make as many of the districts as possible Democratic. This result was brought about by an obvious deal between the Tammany members and the three anti-Tammany members. One Republican alderman also joined these forces. The result is an apportionment which bears upon its face the character of a flagrant gerrymander, giving to the assembly districts boundaries so irregular and confusing that the average voter will be, and will remain, in ignorance of the exact territory included in his district. The most unpleasant feature of this episode is the fact that the president of the board, Mr. Jeroloman, who was elected as the reform candidate of the Committee of Seventy, is one of three anti-Tammany Democrats who united in this enterprise. Another illustration is thus afforded of the

difficulty of eliminating politics from a municipal administration conducted by officers elected upon a ticket the composition of which is controlled in any degree by consideration of factional political interests.

**Chicago.**—The Citizens' Association of Chicago has been active in an endeavor to bring public opinion to bear on the question of a constitutional convention in order to effect certain changes in the system of municipal government in Illinois. In an address issued by the Executive Committee, the necessity of dealing with the following important problems is shown : First, a reform of a local judicial system so as to do away with the present abuses in the police courts ; second, a reform of the method of assessments in Cook County ; third, the consolidation of the towns composing Chicago ; fourth, the enactment of a law for the reform of the civil service. The fact that certain important municipal functions, such as parks, drainage, etc., are in the hands of special commissions with independent powers of taxation, makes a simplification of the administrative organization of the city extremely desirable from both an administrative and financial point of view. The constitutional limitation upon the General Assembly that amendments to no more than one article of the constitution should be proposed at one session, makes any thorough revision of the constitution a practical impossibility. A constitutional convention might deal with the questions above mentioned, as well as such urgent problems of more general interest as the reform of the higher judiciary, the revenue system, elections, municipal grants of franchises, etc., etc.

A bill for the incorporation of cities and villages has been recently introduced into the Assembly, which, if passed, will effect a number of important changes in the form of municipal government in Illinois. The bill provides for a mayor to be elected for a term of five years, who is to preside at all meetings of the city council, but not to vote except in the case of a tie. The city council is to be composed of but one chamber ; the number of members, who are elected for a term of two years, increasing with the size of the city. In cities with a population of over 100,000 there shall be forty-eight members of the council, and no more. The bill, furthermore, makes provisions for a system of minority representation in the council, obligatory in all cities with a population of over 100,000. In other cities the question of the adoption of such a system must be submitted to the qualified electors. In the question of the election or appointment of heads of departments, the act again makes a distinction between cities with a population above and below 100,000. In the latter the elective officials are the mayor, city clerk, city attorney and city treasurer ; in the former the only elective official is the mayor ; all heads of departments, namely, the city treasurer, city

comptroller, corporation counsel, commissioner of public works, and commissioner of public safety being appointed by the mayor. The act specifies the duties of all these officials. It also contains restrictions upon the city council in the granting of franchise privileges. The term of such franchises is limited to thirty years for elevated roads ; twenty years for surface street-car lines, telephones or gas works; and ten years for electric, steam and water power, or electric light plants. The scheme of government, as outlined in this bill, while clear and concise, shows the necessity of a difference in the treatment of large and small cities. It might have simplified legislation on this subject to have passed a special act for cities with a population of over 100,000 rather than incorporate the same in a general act.

**Boston.\***—Important amendments to the city charter have been made by the legislature. The mayor's term has been made two years instead of one. In place of the board of registrars of voters a board of elections is constituted, consisting of four members appointed by the mayor, two from each of the leading parties, with the chief justice of the municipal court presiding when the board sits as a ballot commission, but not voting except in case of a tie. In place of the boards of three commissioners hitherto in charge of the fire, water and public institutions departments, single commissioners are substituted, and the name of the department of public institutions is changed to the "institutions department." It is held that these departments, being purely executive in character, will be more efficiently conducted under single heads. The departments having administrative and judicial functions, the park and the health boards, are left in charge of commissions of three. In regard to the new offices created by the bill, the power of confirming or rejecting the mayor's appointments is taken from the board of aldermen, but it remains with the board in relation to all other appointments. The objection to this and certain other changes made by the new law is that it leaves the city charter a more inconsistent and illogical document than ever. For instance, the street commission remains as before, the only elective executive commission in the city, and therefore in conflict with the spirit of the changes in the charter that have been made of recent years. The board of survey is abolished, although its existence was continued for two years by the last legislature, in response to a strong public demand. Its functions are transferred to the street commission. Apparently the only benefit that can result from the change is in the saving of the salaries of the abolished board. It was engaged in a most important and invaluable work ; the determination of the lines upon which new streets shall be built in the undeveloped sections of the city.

\* Communication of Sylvester Baxter, Esq.

The ferry department is abolished, and the ferries are transferred to the street department. The office of city architect is abolished. This department has done extraordinarily good work under the last incumbent, Mr. Edmund M. Wheelwright, but that official himself thought it best that each department should have charge of its own building work, the choice of architect being subject to the approval of the mayor, as provided in the new law.

The office of inspector of provisions is abolished ; the work to be hereafter performed by the health department. The park, market and harbor police are placed under the control of the regular police department. The change in relation to the park police was strenuously opposed by the park commission, and expert judgment in park management was decidedly against it, for the reason that the park police are properly not policemen, but park-keepers, with functions radically different from those of patrolmen ; it was important that the park board should have the selection and control of a force for which special qualifications were desirable ; moreover it would complicate park administration, divide the responsibility and increase the expense. The legislative committee in charge therefore declined to recommend this ill-considered innovation, but the bill was amended by under-hand influence, and the provision incorporated. It is felt to be inconsistent that the police authority should remain with the park boards in other cities of the State, while the Boston park board, in control of a property that has cost \$12,000,000, and always one of the most admirably managed departments of the city, should be deprived of it for no apparent reason.

The city charter amendment favored by the Municipal League, abolishing the lower branch of the City Council, the Common Council, and substituting a single chamber of twenty-seven members elected for three years, one-third retiring each year, was passed by the Senate, but rejected almost unanimously by the House.

A municipal measure of vast importance is the creation of a metropolitan water district, consisting of Boston and various suburban cities and towns. This is to be administered by a commission appointed by the Governor. To meet the imperative demands of the metropolitan community a new source of supply on the Nashua river is to be developed, and the existing supplies of the various municipalities are to be purchased and taken over by the new department, leaving the distributing plants in the hands of the local water boards. The plan adopted was carefully elaborated by the State Board of Health after two years' thorough investigation. The record of the water supplies in the metropolitan district makes a magnificent showing for municipal management of such functions. In 1883 the total cost of works in the

district was \$26,880,000, and the net debt was \$16,537,000. In 1893 the cost had risen to \$40,505,000, but the net debt had increased to only \$18,655,000. Thus while \$13,622,000 was paid for new works the increase of net debt was but \$2,118,000, so that in ten years \$11,504,000 of the increased cost was paid out of the revenue of the works.

**Omaha.**—Omaha\* has had its annual experience with promises of retrenchment on the part of municipal officers in control of the city purse. The mayor's message to the new city council which organized the beginning of the year, sought to impress upon all the necessity not only of economical administration, but of positive retrenchment. When the Finance Committee reported the tax levy for the ensuing year, it read a long lecture on the duty of the council to curtail expenses, and to reduce excessive salaries of public employes in a ratio corresponding with the reductions that have taken place in private employments. This announcement, of course, at once aroused all the employes in the city offices. Each one saw the possibility of retrenchment in some other department, but the expenses of his own department were already down to bed-rock. The result was that the salary retrenchment ordinances dwindled down to slight reductions in three of the city offices and even these went by the board as soon as they reached the open council.

The city tax levy for the year 1895 is forty-four mills. † This is the same as last year. A levy of forty-four mills, however, is likely to be misleading to people not familiar with the local situation. Although the State assessment laws require assessors to list all taxable property at its actual market value, the custom prevails of listing it at from one-sixth to one-twelfth of its value. The city tax list is but a copy of the assessment of city property on the county tax books. The total tax valuation of city property is, therefore, less than \$20,000,000, whereas, if it were made strictly in accordance with the law, it would be in the neighborhood of \$200,000,000. A great many hardships and abuses result from this practice, first, in the way of tax shirking and inequality of taxation, and, second, in restricting the borrowing power

\* Communication of Victor Rosewater, Ph. D.

† The tax levy in Omaha is made up of separate levies for distinct purposes. Among them is a levy for the purpose of paying water hydrant rental to the local waterworks company under existing contract. The Omaha charter revision bill, as originally introduced into the Legislature, contained a section providing for a single tax assessor and a re-adjustment of these separate items of the annual tax levy and other sections specifically repealing those clauses by virtue of which the levies had previously been made. The charter tinkers struck out of the revision bill the section providing for a single commission of taxes, but "unintentionally" forgot to strike out two sections repealing the authority to levy taxes for sinking fund and water protection.

of the municipal corporation whose debt is limited to a fixed percentage of the valuation. To remedy this evil it was proposed to establish a district system of assessment for the city of Omaha under a single tax assessor. This was the principal innovation recommended by the charter revision committee, which held sessions for six weeks just previous to the convening of the legislature in January. The charter amendments, framed by the committee, were introduced into the legislature only to encounter vigorous opposition. The large number escaping taxation, the contractors and the franchised corporations fought it on one side and the local legislative delegation used it to further trades, for pet jobs and other dubious schemes. It was held in committee until the final days of the session, then rushed through both Houses in a most mutilated condition. When it emerged the provision for a single tax assessor had disappeared as well as other desirable provisions. At the same time unexpected changes suddenly appeared, changes raising the salaries of certain officials, extending the term of one, giving a few departments more power, and opening the way for the establishment of a paving monopoly. More serious still, in the last-minute tinkering, the two clauses empowering the city council to levy a tax for purposes of maintaining the sinking fund, and of furnishing water protection were repealed and no substitute put in their places. When these defects were brought to the attention of Governor Holcomb he put an end to the measure with his veto. Omaha will therefore have to get along for another two years with its present charter unamended.

The legislature passed several other bills of local importance to the city of Omaha. The first was what is known as the Fire and Police Commission bill. It legislates the present board of Fire and Police Commissioners out of office and provides for a new board with similar powers from which the mayor is excluded. The members are to be appointed, not by the Governor, as at present, but by a State appointing board consisting of the Governor, the Attorney General and the Commissioner of Public Lands and Buildings. The law does not go into effect until August 1. Discussion of the actual results must therefore necessarily be deferred.

The other law referred to provides for the submission of a power canal bond proposition to the voters of Douglas county. The object is to open the way for the construction of a power canal from the Platte river to Omaha under county auspices. The constitutionality of the law has been attacked in the courts. The parties to the proceedings are now awaiting a decision of the district court. The case however will doubtless be appealed to the Supreme Court, and in this case, too, we must await developments before the results of the law can be intelligently discussed.

**Detroit.**—The Sixth Annual Message of Mayor Pingree to the Common Council contains much interesting information concerning the municipal conditions in that city. The mayor protests against the continuance of the independent commissions, such as the fire, water, park and boulevard commissions, the health board, and the board of education, asserting that they refuse to place themselves in harmony with the city government proper, and maintain their independence to the point of defying all investigation. He furthermore recommends a revision of the charter of the city, in accordance with the principle of recent changes in the larger cities of the Union, namely, single heads of all departments with direct responsibility to the mayor, and expresses himself as in favor of the abolition of all water rates; the expenses of the entire water department to be paid out of the general tax levy.

The city has had an interesting experience in dealing with the street railway question within the last year. The franchise held by the Detroit Citizens' Street Railway Company expired on the thirty-first of January, 1894. After much litigation, the Court of Appeals finally decided the question as to the status of the franchise in favor of the city. The old company, which endeavored to secure a new franchise, having shown itself unwilling to meet the terms of the city, the privilege was given to a new company. This company is required to open a large number of new lines, involving about forty miles of tracks. The fares are not to exceed five cents, and tickets are to be sold at the rate of eight for twenty-five cents, to be used between 5.45 a. m. and 8.00 p. m.; and six for twenty-five cents, to be used between 8.00 p. m. and 5.45 a. m. Transfer privileges are to extend throughout the city. The limit of the franchise is fixed at thirty years, and at its expiration the city will have the option of purchasing the entire property at a price to be determined by arbitration.

#### FOREIGN CITIES.

**London.**—One of the questions which for a number of years has been a fruitful source of discussion in the London County Council, seems to be approaching a solution. The special privileges and practical monopoly enjoyed by the gas and water companies within the metropolitan district have called forth the protests of the Council, and the sentiment in favor of the municipalization of these works has been growing rapidly within recent years.

At the present time eight companies, of which the first was chartered in 1723 and the last in 1805, control the entire water supply of the administrative County of London. The water rates are based upon the rental valuation of the property, a system which has proven

unsatisfactory in more than one respect. With an inefficient service in the less densely settled districts, companies have been able to secure to themselves an ever-increasing revenue, due to the natural increase in the valuation of property. The annual receipts of the eight companies amount to nearly \$10,000,000, although it is asserted by experts that the actual cost of the service is about 40 per cent of this amount. It is true that the capital stock is very large, amounting to nearly \$75,000,000. Members of the parliamentary committee of the County Council assert, however, that this amount is far in excess of the real value of the plant, being the result of considerable watering of the stock. The companies, although approached by the Council upon the question of purchase, have held to such an extravagant valuation of their property and franchise privileges that all negotiation became practically impossible. The question must be decided primarily by the House of Commons as the County Council would have no power to enter into purchase agreements without special enactment of Parliament. At the present time a select committee of the House of Commons is in session taking evidence upon the terms of such purchase agreements. The companies, through their representative, have distinctly asserted that they are "unwilling sellers and must be treated as such." The attitude of the committee toward the question seems to be that there should be one water authority for the metropolis. All indications seem to point to the passage of an act in the Lower House, authorizing the County Council to take possession of the plant of the various companies, the latter to be compensated at an assessed valuation to be determined by a Board of Arbitration. It is more than probable, however, that any scheme passed by the House of Commons will meet with the determined resistance, of the Lords. An alternative plan would be to empower the County Council to establish an independent water supply, and to vest them with special privileges which would place the companies at such a disadvantage that they would be only too ready to sell at a reasonable figure.

Another question which is at present engaging the attention of the County Council, is the unification scheme as proposed by the recent report of the Royal Commission.\* At one of its recent sessions a resolution was adopted, urging the government to present a bill, "on the general lines of the report of the recent Royal Commission both for the amalgamation of the City and County of London, and for the creation of local councils." The sentiment of the Council seems to be in favor of maintaining the independence of the larger vestries or parishes for purely local affairs, such as street-cleaning, paving, lighting,

\* See ANNALS for May, 1895, for the main recommendations of this Commission.



sanitary administration, public libraries, baths, etc. On the other hand, however, a strong central authority, with power of direct administration over such important municipal functions as drainage, water and gas supply, parks, schools, housing improvements, etc., should be established. The probability of an early passage of such an act seems somewhat remote in view of the questions of more pressing importance to which the present ministry is pledged. \*

**Glasgow.**—The report on the operation of the street railway lines during the first ten months of municipal management, that is, from July 1, 1894, to April 30, 1895, gives a very satisfactory picture of the possibilities of this municipal enterprise. It will be remembered that up to June 30, 1894, the city had leased the use of the tracks to a private company whose franchise privileges expired at that time. The city then determined to conduct the management of the street railway lines, and offered to purchase the rolling stock of the company at its assessed valuation; upon condition, however, that the latter should agree not to run competing omnibus lines. This the company refused to do, and as a result the city was compelled to purchase entirely new rolling stock.† It is natural that the first ten months of operation should not be as favorable as subsequent reports, inasmuch as the city was only able to place the lines in operation very gradually, and had to meet the competition of the omnibus lines. In spite of this fact, the balance sheet shows a profit of nearly \$70,000.‡ The city is at present interested in the passage of a bill by Parliament, enabling it to simplify the financial administration of this service which will add considerably to the economy of operation. The report of the Leeds municipal tramways shows a gross profit of about \$35,000 for the fiscal year ending March 25, 1895.

#### MAGAZINE ARTICLES.

*Engineering Magazine*, June, 1895.—In an article entitled "The Ideal City Engineering Bureau," Mr. Francis Collingwood discusses the nature of the work of such bureaus in the large cities, and endeavors to make a classification of their functions. Mr. Rudolph Hering discusses the question of pure water supplies with special reference to the question of filtration.

*The Arena*, May, 1895.—Professor Frank Parsons, of Boston University, contributes an extremely interesting article on "The People's

\* *London* for May 9 and May 23, 1895, contains an interesting account of the debates in the London County Council on this subject.

† See notes in *ANNALS* for March, 1895.

‡ Detailed balance sheet of Glasgow Street Railway account in *London* for May 23, 1895.

Highways." Professor Parsons has collected with great care the facts concerning the street railway systems in certain typical cities, and endeavors to show that a two cent or two and a half cent fare would amply repay the actual amount invested in a street railway line. The seeming necessity for the present five cent fare is largely due, he contends, to the inflated condition of the stock of the companies representing an amount far in excess of the actual value of the road.

## SOCIOLOGICAL NOTES.

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[The editor of this department is glad to receive notes on all topics of interest to sociologists and persons working along sociological lines in the broadest acceptance of the term. It is not the purpose of these columns to define the boundaries of sociology, but rather to group in one place for the convenience of members of the Academy available bits of information on the subject that would otherwise be scattered throughout various departments of the ANNALS. The usefulness of this department will naturally depend largely on the measure of co-operation accorded the editor by other members of the Academy.]

Among those who have already indicated their interest and willingness to contribute are such well-known workers along sociological lines as Professor F. H. Giddings (Columbia College), Professor W. F. Willcox (Cornell University), Dr. John Graham Brooks (Cambridge, Mass.), Dr. E. R. Gould (Johns Hopkins University), Mr. John Koren (Boston), Hon. Carroll D. Wright (Washington, D. C.), Professor E. Cheysson (Paris), Mr. Robert D. McGonnigle (Pittsburg, Pa.), President John H. Finley (Knox College), Prof. D. R. Dewey (Boston), Rev. Dr. L. T. Chamberlain (New York), Dr. Wm. H. Tolman (New York), Dr. D. I. Green (Hartford), Miss Emily Green Balch (Jamaica Plains, Mass.), Miss M. E. Richmond (Baltimore, Md.), and others.

**Theory of Sociology.**—*Social Classes.* From few evils has Sociology suffered more than from a hasty acceptance of loose terminology. A poor classification of material and illogical use of terms is sure to lead to confusion of thought and unsatisfactory results. A good illustration of this trouble is found in the terms Dependent, Defective and Delinquent classes which have received an altogether too ready acceptance in our literature. These terms, it is true, are intended to cover only the pathological elements in society, and in order to get at a broader and inclusive classification for all social elements some writers have proposed the following :

A.—Independents.

B.—Dependents. { Destitutes.  
Defectives.  
Delinquents.

The insertion, however, of the term "Destitutes" to cover practically the same units as "Dependents" did in the first case is a more apparent than real solution of the difficulty. Alliteration is helpful to the memory and the classification in its second form has an attractive appearance, but it is illogical. Every teacher must have experienced some difficulty in explaining satisfactorily to his class how he proposed to distribute insane, blind, deaf, dumb, and criminal paupers, as well

as self-supporting blind persons and certain enterprising and successful criminals without hopeless confusion and an amount of over-lapping that rendered all classification a farce. No investigator can accept the classification for a moment and hope to make any use of the statistical method in his work. Professor F. H. Giddings rendered a very material service to practical workers in calling attention in forcible language to the defects of all such classification that savors of the nursery parallel, "rich man, poor man, beggar man, thief," and in turn suggesting a classification, scientific and logical in character and capable of practical application. In a paper read at the Twenty-second Annual Meeting of the National Conference of Charities and Correction, held at New Haven, May 24 to 30, 1895, entitled, "Is the Term 'Social Classes' a Scientific Category?" Professor Giddings said that no classification that was not fundamental and did not conform to the evolutionary principle of development would prove serviceable. He rightly claims that in this sense the term "Social Classes" is a scientific category and an essential factor in sociological investigation. The terms he suggests, under which all the units that make up the complex of human society at all periods of its development may be grouped are: (1) Social, (2) Non-social, (3) Pseudo-social, (4) Anti-social. Professor Giddings would maintain that at best Dependents, Defectives and Delinquents is a cross classification which may be valuable for some purposes in subsequent re-distribution of our units, but that his classification is fundamental and evolutionary. It is true that our body of statistics at present does not readily fall into any of these classifications. Statistics are constantly improving and the statistician is a most obliging individual, and always willing to follow the suggestions of the theorists. It seems almost impossible for him to arrange his figures to suit the present classification without the element of error showing a tendency to become infinitely large since few dangers that beset statistics are greater than those that come from repetition and over-lapping, while on the contrary should Professor Giddings' classification be generally accepted, and some further definition of his terms be agreed upon no great obstacle to the collection of a useful body of statistics need be encountered. Professor Giddings' paper will appear in the published proceedings of the conference and his classification can receive more careful consideration when we see the use he makes of it in his forthcoming volume.

**Associations.**—*American Institute of Sociology.* That organization, formerly known as the American Institute of Christian Sociology, has recently been reorganized on a broader and more scientific basis, which will enable workers in all lines of sociological effort and representing all shades of belief to combine in a really effective

national organization. The new constitution declares the object of this institute to be : First, to investigate the facts concerning society as a whole, *e. g.*, its origin, growth, structure, functions, laws, forces, ideal ; second, to promote the use of all available truth for the betterment of society's condition to the end of the highest individual, domestic and collective, well-being. The definite work of the institute has not yet been officially outlined, but it is generally understood that an annual meeting or convention will be held, on which occasion those interested in sociology can come together to exchange papers and discussions on fundamental and practical problems. Definite lines of investigation will be undertaken by the institute, and the results of such efforts made public in some official organ or series of publications. There is certainly room for such an organization in America, and its efficiency and opportunities for usefulness can hardly be overestimated. Under its present energetic leadership in the person of the president, Rev. Dr. Leander T. Chamberlain, of New York, a vigorous and effective policy may be expected.

*The Church Social Union.*—The old organization under this name which had something over one thousand members, has recently been revived, and a new union is ready to go to active work. Its objects are : First, to claim for the Christian law the ultimate authority to rule social practice ; second, to study in common how to apply the moral truths and principles of Christianity to the social and economic difficulties of the present time ; third, to present Christ in practical life as the leading Master and King, the enemy of wrong and selfishness, the power of righteousness and love. Membership (entitling to publications) is open to all communicants of the Episcopal Church upon application to the secretary and the payment of one dollar. Subscriptions to the publications are received from non-members at two dollars per annum. Bishop Huntington is president ; Bishop Potter, Rev. Joseph Reynolds, Rev. Robert A. Holland, Professor Richard T. Ely, and Mr. George E. McNeil are vice-presidents ; the secretary is Rev. Dr. George Hodges, 3 Mason street, Cambridge, Mass. It is proposed to issue two series of publications. Series "A" will appear about the first of each month, and the numbers will consist of papers stating or bearing upon the general position and principles of the Church Social Union. Series "B" will be issued about the middle of each month, and contain papers stating or bearing upon more concrete, economic, or social themes. The first number of series "A" is a paper by Rev. Dr. Robert A. Holland, entitled "The Church of the World." It contains a statement of the work which the church, as an organization, and Christian laymen, as a body, may profitably undertake in the study and treatment of social disturbances and grievances

of our time. We presume that this article may be taken as an official statement of the views of the Church Social Union. It contains many valuable suggestions concerning the relation of the Church-at-large to the interests of the industrial and laboring population. Such literature, and indeed the work of the union, cannot fail to do much good in the limited sphere which it has chosen. It is a pity, however, that both this article and the aims of the union should not give a broader scope to the term "Church," and avoid the strict sectarianism which cannot help but provoke antagonism.

**Charities.**—*The Twenty-second Annual Meeting of the National Conference of Charities and Correction* was held at New Haven, May 24 to 30, 1895. Yale University and the people of New Haven were excellent hosts. Over 200 delegates were in attendance and represented all sections of the country and many institutions of learning as well as the leading State boards of charities and many charitable and correctional institutions. At the general meetings held each morning reports from all the States were read and chronicled an interesting array of facts indicating hopeful progress in approved methods of work in both public and private institutions. Besides these reports at the morning sessions the following general topics were in turn discussed: (1) Work of State Boards of Charities; (2) Homes for Soldiers and Sailors; (3) The Feeble-minded; (4) The Insane; (5) Training Schools for Nurses. The evening sessions were also general meetings and devoted to papers on "Sociology in Institutions of Learning," "Child-saving Work," "Administration of Public and Private Relief," "Charity Organization," "Juvenile Reformation" and "The Tramp Problem" respectively. The afternoons were taken up by sectional meetings, much smaller in their attendance and devoted rather to discussion and conference between workers in the same line of work. Of these sectional meetings perhaps those on Charity Organization and Child-saving Work were the largest and most active. It is quite impossible in the available space to give here even the names of the specialists who took part by paper or discussion in these various meetings not to speak of the subject-matter presented. We must refer those interested to the forthcoming volume of the proceedings which is sent gratis to members of the National Conference or can be had on payment of \$1.50 from the corresponding secretary, Mr. H. H. Hart, State Capitol, St. Paul, Minnesota. The set of the proceedings of past conferences, some volumes of which are already out of print, is quite the best source of practical information on these subjects in America.

*Oberlin Summer School of Christian Sociology.* At a convention held at Oberlin last November it was unanimously agreed to hold

during the coming summer a school of Christian Sociology to study the subject mainly from the practical side and as the art of social control, rather than as a completed science. Such a gathering is to be held from June 20 to 29, about the time this number of the *ANNALS* goes to print. The persons announced as engaged to take part in the instruction represent widely differing points of view and interests. The general subject for this year is the "Causes and Proposed Remedies for Poverty," and the list of speakers includes Rev. Dr. Washington Gladden, the presiding officer; Mr. Thos. J. Morgan, Socialist and Labor Leader of Chicago; Mr. Samuel Gompers, ex-President of American Federation of Labor; Mr. James R. Sovereign, Grand Master Workman of the Order of Knights of Labor; Mr. N. O. Nelson, of St. Louis; Professor J. B. Clark, of Columbia University; Professor S. F. Weston, of Western Reserve University; Mr. Z. Swift Holbrook, Professor E. I. Bosworth, of Oberlin; Miss Jane Addams, of Hull House, Chicago; Rev. Drs. H. M. Tenney and James Brand, of Oberlin, and Rev. Dr. Levi Gilbert, of Cleveland.

M. Léon Lallemand, the distinguished French authority on all that pertains to charity and charitable institutions, has recently presented to the Institute of France a very full report of the history and work of the American National Conferences of Charities and Correction. He traces some of the leading topics of discussion through the different conferences and gives French readers a very good clue to all the bibliographical references. His report which has been reprinted in pamphlet form,\* will serve to make known American charitable efforts much more widely in France.

*Home for Epileptics.*—The late Rev. Dr. W. A. Passavant long cherished the idea of founding in America a home for poor and unfortunate epileptics, where they could be treated in a manner similar to that of the original home for epileptics founded seventy-five years ago at Bielefeld, Westphalia, Germany. What he was unable to accomplish during his lifetime, his friends have now done in his memory, and such a home has been established at Rochester, Pa. Valuable property owned by the Board of Deaconesses of the Lutheran Church, which has for thirty-one years been used as an asylum for orphan girls, has been devoted to the work. Dr. Passavant was the first to introduce a Protestant order of Sisters of Charity in this country, and the work at the Epileptic Home will be conducted under their supervision. The matron, Sister Amalia, and two assistants have been brought from the Norwegian Hospital at Chicago and others will be added as soon as they can be procured. The superintendent is

\* *Les Congrès Nationaux aux États-Unis d'Assistance et de Répression aux États-Unis.* By LÉON LALLEMAND. Pp. 22. Paris: Alphonse Picard et fils, 1895.

Rev. J. H. Kline, himself a former patient at Bielefeld and one of the few persons who have recovered from this mysterious and horrible disease. The site chosen for the new home contains eighty-one acres, wooded and under cultivation, and the buildings will accommodate about forty patients. More applicants have already been received than can be cared for. Rev. Dr. Passavant, Jr., the president of the new home, claims that there are 125,000 epileptics in the United States, for whom up to the last year no retreat has been established. The treatment will be simple and direct. The first great need of the epileptic is a place where he can be at rest; he is very sensitive, and in most cases far worse off than the lunatic who knows nothing of his insanity. In the new home the chief purpose will be to surround the patient with all the beauties of nature and give him such food as will contribute to a healthful, quiet life and tend to calm his troubled spirit. The Rochester home for epileptics is a hopeful sign of the right sort of charitable activity in this country.

*People's Baths.* Philadelphia is falling in line with the good work done in New York in the establishment of people's baths. Through the efforts of Miss Sarah D. Lowrie, the Public Baths Association of Philadelphia was organized on February 7, 1895, and incorporated on March 18, 1895; the association being formed, as stated in its charter, "For the purpose of establishing and maintaining public baths and affording to the poor facilities for bathing, and the promotion of health and cleanliness."

The following were elected as trustees to serve for the present year: Eugene Delano, president; Charles A. Brinley, vice-president; Miss Sarah D. Lowrie, secretary; Franklin B. Kirkbride, treasurer; Mrs. Mary S. Fox, Mrs. Rebecca P. Hunt, Barclay H. Warburton, Alfred G. Clay, Mrs. Julia M. P. Dulles, Mrs. Harriet W. Jones, Walter Lowrie, and Dr. Lawrence S. Smith.

The association has bought the Southwest corner of Berlin and Gaskill streets, between Fourth and Fifth and Lombard and South streets (40 x 60), where it proposes to erect its first public bath and wash house. The data collected by the officers of the association in regard to the public baths of other cities both in this country and abroad, is being used to make the plans of the Bath House as perfect as possible. The experience of "The People's Baths" of New York City, having been found especially valuable.

It is proposed to have in the basement a public wash-room with about twenty sets of tubs, with steam driers, mangles, etc., where for a small fee women can do their family washing. On the first floor, the office, men's waiting-room and baths; on the second floor, the women's waiting-room and baths, and on the third floor, rooms for the



janitor. There will be no tank, individual shower-baths being the form of baths to be used.

It is hoped to have about twenty-five baths for men and nearly as many for women. There will be a limited number of tubs for the use of children and women who will not use the shower-bath. This should give a capacity of nearly 1000 baths per day. The bathers will be charged a small fee and will be supplied with soap and towels.

The architect is now working on the plans, and it is hoped that the construction of the building will be commenced in the near future.

The association is now engaged in raising funds to cover the cost of erecting the Gaskill street bath-house, estimated at about \$25,000, and all donations will be gratefully received by the treasurer, at 517 Chestnut street, or by the *Evening Telegraph*, Philadelphia.

**Labor Question.**—*The Toynbee Society of Philadelphia* is a recently formed organization which has met with much favor in the eyes of many conservative but energetic reformers and attracted some attention from local labor leaders and organizations. It is avowedly interested in the welfare of the labor-side in industrial conflicts because it believes this to be the weaker side and the one most solicitous of intelligent help and direction, but it stands for honest, fair methods of inquiry and peaceful and dignified modes of procedure. It was organized for the promotion of the interests of wage-earners, and rightly bears the name of that noble spirited young Englishman who gave his life in the interests of a more sympathetic and intelligent appreciation of the cause of labor. Every large city should have a Toynbee Society, that would stand ready to bring organized intelligence of the highest order to bear on all labor troubles, inform the public quickly and thoroughly of the real points at issue in any outbreak and by sympathy and help encourage the workingman to act in harmony with his real interests and not be misled by blind passion or self-centred leaders. The aims of the Philadelphia Society are :

*First.* To bring together and to increase the number of those who sympathize with all proper efforts of wage-earners to improve their economic and social conditions.

*Second.* To render practical assistance to the wage-earners of Philadelphia and vicinity in such efforts.

*Third.* To promote a public sentiment which will protect and encourage them in the exercise of their right to organize, and to agitate peacefully for necessary reforms.

*Fourth.* To promote a better understanding between them and their employers ; to discourage resort to strikes, and to endeavor to bring about conciliation and arbitration as a method for disposing of labor

differences ; and yet, where all such means fail, to support peaceful insistence upon just and reasonable demands.

*Fifth.* To secure reliable information concerning the wage-earners of Philadelphia and vicinity, with a view to educating public opinion, fostering wise legislation, and creating a sentiment favorable to the cause of labor.

*Sixth.* To confine ourselves to the discussion of practical measures, leaving to other organizations the consideration of social panaceas.

There are no stated dues and any one in sympathy with the aims of the Society is eligible for membership. The following officers have been elected :

*Officers.*—George Gluyas Mercer, President ; Wm. N. McVickar, Vice-President ; Edward T. Devine, Treasurer, 111 S. Fifteenth Street ; M. V. Ball, Secretary, Twenty-first Street and Fairmount Avenue.

*Executive Committee.*—George G. Mercer, Wm. N. McVickar, M. V. Ball, Wm. M. Salter, Chas. Richardson, W. I. Nichols, Samuel S. Fels, S. M. Lindsay, Edward T. Devine.

*Railroad Strike of 1894.* In the first number of series B of the Publications of the Church Social Union, \* Professor W. J. Ashley, has prepared a useful collection of material for a study of the great strike of 1894. The pamphlet contains the text of the Report of the U. S. Commissioners and the statements of President Geo. M. Pullman and Second Vice-President T. H. Wickes of the Pullman Company. All of which Professor Ashley has preceded by a carefully prepared analysis of the facts at issue and a fair outline discussion of the important principles at issue, such as, "the right to strike," "the right to strike sympathetically" and "the social expediency of arbitration." Not the least valuable feature of the Monograph is the Bibliography compiled by Mr. Francis Watts Lee, of the Boston Public Library, which contains numerous references to the more notable contemporaneous newspaper and periodical comment on the strike.

*Chicago Strike and the Papal Encyclical on Labor.* Two papers in the number of the publications of the American Economic Association† to which reference is made below are worthy of attention. Mr. Wright's contribution on the "Chicago Strike," which is a direct and thoughtful outline of certain tendencies in our federal government in its relation to labor, and the insistence of the epochal nature of the Chicago strike, make it worthy of the careful consideration of all

\* Publications of the Church Social Union. Issued semi-monthly. Series B, No. 1, April 15, 1895, "The Railroad Strike of 1894." The Statements of the Pullman Company and the Report of the Commission together with an analysis of the issues, by W. J. ASHLEY. Contains also a Brief Bibliography. Cambridge, Office of the Secretary, 3 Mason St., 1895. Pp. 115, price 10 cts.

† See "Unemployed." Page 190.

persons interested in the cause of labor. Perhaps the papal encyclicals do not play as important a rôle in this country or exert as great an influence upon the working population of America as is the case in Europe. Nevertheless, Mr. Brooks' explanation of the purpose and meaning of the attitude that Leo XIII. has taken toward the social question, which constitutes the other paper referred to, is worthy of attention.

*Slums of Great Cities.* The seventh special report of the Commissioner of Labor has appeared, and gives us the text of the report\* on the slums of some of our great cities and the tables on which that report is based which has formed a subject of much newspaper comment in recent months.

In order to carry out the investigation authorized by Congress asking for information relative to the slums of cities containing 200,000 inhabitants and over, as shown by the Eleventh Census, it would have been necessary to have investigated sixteen cities, with a total population of over 8,000,000 people. From the best information obtainable from the municipal authorities of these cities, the slum districts contained, at the least calculation, about 800,000 people. The appropriation placed at the disposal of the Department of Labor was, of course, inadequate for any such undertaking. Four typical cities were, therefore, chosen, with a slum population aggregating 77,000, according to the census of 1890; but covering, according to actual count in 1893, over 83,000 persons, and the results of that investigation, which is supposed to be typical of such conditions in other cities, are given in the present report. These 83,000 persons by no means represent the total slum population of Baltimore, Chicago, New York and Philadelphia; but only such sections of congested districts in these cities as were, upon consultation with the municipal authorities, determined upon. The total slum population of Baltimore is estimated at 24,000; of Chicago at 162,000; of New York at 360,000; of Philadelphia at 35,000, and the number of persons covered by this investigation was in these cities in round numbers—18,000, 19,000, 29,000, 17,000 respectively.

In general, the results of the investigation show that liquor saloons, in proportion to population, are about twice as numerous in these congested districts as in the cities at large, and that arrests are much more frequent; that an analysis of the population shows the percentage

\*"Seventh Special Report of the Commissioner of Labor. The Slums of Baltimore, Chicago, New York and Philadelphia." Prepared in compliance with the joint resolution of the Congress of the United States, approved July 20, 1892, by Carroll D. Wright, Commissioner of Labor. Pp. 620. Washington: Government Printing Office, 1894.

of males to be greater in the slum districts; that the percentage of foreign-born is much in excess of other sections; that illiteracy is many hundred per cent greater; that the foreign voting population in these districts is very large; that the occupations of the residents of such districts are as varied as in the cities at large; and that the average earnings of the people generally are quite up to the average in the cities at large. The statistics of health show no greater sickness prevailing than in other parts of the cities involved; a fact that occasioned no little surprise to the canvassers. Full and detailed tables are presented in this report which bear out these general statements.

**Unemployed.**—*Report of the Massachusetts Board.* The complete report\* of the Massachusetts Board to investigate the subject of the unemployed has now appeared and makes a large volume of over 800 pages, which can be obtained from the Secretary of the Commonwealth, Boston, on application, and enclosing postage to the amount of thirty cents. A more extensive review of this important publication will appear in the Book Department of the ANNALS in the near future. At present suffice it to say that the conscientious efforts of the Massachusetts Commission have placed in the hands of students of this subject a carefully prepared report of the relief work undertaken in all our large cities during the winter of 1893-94, with special reference to the cities of Massachusetts, together with a detailed statement of the emergency relief obtained in Great Britain, and the more or less complete discussion of the work for the relief of the unemployed in Germany and Switzerland. The five parts of this report which have been issued separately now appear under one cover, which constitute an important contribution to different phases of the subject. This report, together with the report of the Labor Department of the English Board of Trade and various articles and pamphlets which have appeared on the subject of the unemployed, constitute a notable mass of material for the serious study of a pressing problem in American social and industrial conditions.

Professor Davis R. Dewey, who was Chairman of the Massachusetts Commission on the Unemployed, prepared an interesting paper for the Seventh Annual Meeting of the American Economic Association on the subject of "Irregularity of Employment." This paper now appears in print in Nos. 5 and 6 of Volume IX of the publications of the association.†

\* "Report of the Massachusetts Board to Investigate the Subject of the Unemployed." Part I, Relief Measures; Part II, Wayfarers and Tramps; Part III, Public Works; Part IV, Causes; Part V, Final Report. Pp. 800. Boston: Wright & Potter Printing Company, State Printers, 18 Post-Office Square, 1895.

† Publications of the American Economic Association, Vol. ix, Nos. 5 and 6. Five papers read at the Seventh Annual Meeting at Columbia College, December

Professor Dewey discusses the causes of the irregularity in employment, as classified by the Labor Department of the English Board of Trade and in reports of New Zealand. He takes the consideration of one point that is too often omitted in such discussions, that much unemployment is due to the unwillingness of men to accept lower wages because of custom or outward pressure in a particular trade, in other words, loyalty to an organization, in which case non-employment is voluntary, but may be no less disastrous in its consequences. Statistical material, Professor Dewey tells us, is limited in this country to two sources: the census of the unemployed of 1885, published by the Bureau of Labor in 1887; and the report of a certain number of manufacturing establishments in Massachusetts, published by the State Bureau of Labor in an annual volume entitled "Statistics of Manufactures." Both of these sources are incomplete and fragmentary, and exact statistical knowledge is likely to elude the accurate investigator. Professor Dewey lays some stress upon the effects of the introduction of machinery, which, in some cases, while it may displace men, on the other hand, if the machine is a large, costly and complicated one, it may prove too expensive an affair to allow to remain idle, and, therefore, contribute to a regularity of employment, rather than belong in the general class of machines that cause, to some extent, non-employment.

*The Detroit Plan for the Cultivation of Vacant Lots.* So much interest has been taken in the experiment that Mayor Pingree made last year in Detroit, that demands for detailed information as to its results have been very wide-spread. The New York Society for Improving the Condition of the Poor has a special committee on the cultivation of vacant lots by the unemployed at work making extensive plans for the introduction of the scheme in New York. The schedule, to be filled out for each applicant for ground, contains many questions of far-reaching sociological interest, especially four columns which will indicate for each person whether he is country or city born. This will be interesting material for testing some theories arrived at on a purely deductive basis from an inductive point of view. A little circular giving a report of the experience in Detroit, has been prepared and can be had on application to the secretary, Dr. William H. Tolman, 105 E. Twenty-second street, New York City.

In New York the committee had to go some distance to get land,

27 to 29, 1894. First, "Modern Appeal to Local Forces in Economic Life," by J. B. Clark, Ph. D.; second, "Chicago Strike," by Carroll D. Wright, LL. D.; third, "Irregularity of Employment," by Davis R. Dewey, Ph. D.; fourth, "The Papal Encyclical on Labor," by John Graham Brooks; fifth, "Population and Capital," by A. T. Hadley, M. A. Price, 75 cents.

but it has obtained the use of tracts aggregating several hundred acres comparatively accessible to the city. Each applicant must fill out the blank furnished him, and if properly endorsed by some responsible person, he will be allowed the use of a quarter of an acre of land for cultivation during the summer, the proceeds from the sale of which will be given to him. In worthy cases where there is a large family, a half acre may be granted. Minneapolis, and Toledo, Ohio, have also adopted the plan; while Los Angeles, St. Paul, Syracuse, Chicago, Buffalo, St. Louis and Philadelphia are planning for a similar experiment. Most of the information as to the actual results in Detroit has thus far come from one source, and it is reasonable to believe that there may be some difference of opinion, in degree at least, as to the ultimate success of this scheme. It is certainly worth trying, and only in the lapse of time can sufficient data be obtained for a judgment as to its ultimate importance. That it will reach the lowest strata of unemployed whose unemployment is largely due to shiftlessness and utter inefficiency, may well be doubted. It may, however, help the strata of the unemployed somewhat above this lower level, and not only prevent them from sinking lower, but also start a tide back to agricultural pursuits, and away from the deep misery of the lowest social classes in our large cities.

**Vacation Schools in New York City.**—While the families of the well-to-do obtain some refreshment at the seashore or among the hills, thousands of children in New York have no other diversion beyond the hot and dusty streets of New York City. Last year the New York Association for Improving the Condition of the Poor advanced funds for the teachers' salaries of the vacation schools. The association maintained during six weeks of the heated term of July and August attractive manual labor training, sewing and kindergarten schools, free to every child willing to attend, in three public school buildings assigned by the Board of Education in the most populous districts. The number of attendances was 28,000, averaging daily 933. The cost of the six weeks' term was only eleven and a half cents for each child. The liberality of the Board of Education, the cordial co-operation of the teachers, the eager response of the children, and the small cost of a great result proved so encouraging that the managers of the association have now pledged \$5000 to repeat the experiment this year on a larger scale, the Board of Education having unanimously authorized the use of several school buildings. Mr. Warner Van Norden, 25 Nassau street, New York, is the treasurer of the fund for this purpose, and the work is in charge of the New York Association for Improving the Condition of the Poor, 105 East Twenty-second street, New York City.

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THE SOURCES OF AMERICAN FEDERALISM.

In applying the historical method to the study of the American political system it is not enough to trace the origin and growth of the various branches of the federal government. The origin of the forms of the federal government presents no great historical difficulties to one who has carefully studied the constitutional history of the early States and colonies. He finds that the central government of the United States, in its general structure and its various branches, is scarcely more than a reproduction on a higher plane of the governmental forms existing in the previous States, and more remotely in the early colonies.

It is not difficult, for example, to see that the offices of president and vice-president of the United States were modeled after the offices of the governor and deputy-governor, or as they were sometimes called the president and vice-president, of the previous States, —which in turn grew out of the offices of governor and deputy-governor of the early colony. One can also see that the bicameral system of the federal government, with its co-ordinate branches of Senate and

House of Representatives, was a continuation of the bicameral system already existing in the several States, with its similar co-ordinate branches, having similar names and similar relative functions; and that this bicameral system of the States had itself grown out of the distinction which primarily existed between the "assistants" and the "deputies" in the General Court of the colony, after the growth of representation.\* And if one looks back still farther he finds that the typical structure of the early colony was simply a continuation of the structure already existing in the trading company, which in its typical form possessed identically the same organization as that of the typical colony—consisting in each case of a governor, a deputy-governor, a council of assistants, and a general court or assembly of freemen.† In short, the student of American institutions finds that the federal government, in its general structure and various branches, was developed from organic forms which had had a continuous existence in the trading companies, in the early colonies, and in the original States of the Union.

But while we may thus explain historically the structural elements of the federal government of the United States by bringing them under the law of continuity, we have not thereby explained that which is most distinctive and characteristic of the American political system. The transition by which the American States became the United States of America, did not consist merely in the formation of a new central government, based upon the previous State governments. It certainly included this, but it was something more. It was pre-eminently the integration of the existing State communities into a larger political society in which the States became organized as integral and constituent elements, with their essential structure and functions unchanged, except so far as was necessary to effect a true organic union between the States themselves. It was, perhaps, the most

\* Cf. "First State Constitutions," *ANNALS*, Vol. iv, p. 201, September, 1893.

† Cf. "Genesis of a Written Constitution," *ANNALS*, Vol. i, p. 529, April, 1891.

conspicuous example in all history of the formation of a great state in accordance with what may be regarded as the normal law of political evolution, that is, the integration of a new political organism, by preserving the structure and functions of the parts of which it is composed, and by maintaining at the same time an organic relationship between those parts and the whole body-politic.

The chief difficulty in explaining the genesis of the American federal system, arises from the fact that, while federalism seems to represent a normal process of political growth, there was, at the time the Federal Union was formed, no state or political system in the Old World from which the idea of such a union can properly be said to have been derived. The tendency toward the formation of large states, which had shown itself in the previous periods of the world's history, had either failed through an excessive spirit of local independence; or else where it had succeeded it had almost uniformly been attended by the decay of local freedom and autonomy. In ancient times the city-states of Greece had been followed by the all-embracing imperialism of Rome; in more modern times the petty sovereignties of feudal Europe had been absorbed by the autocratic monarchies of the sixteenth and seventeenth centuries. Although federalism, as a principle of normal political growth, may be considered as old as human society, its influence in the past had been continually overcome by disintegrating or centralizing forces, and hence the American system, established by the Constitution of 1787, had no existing counterpart in the Europe of the eighteenth century. It was not a consolidated state, like England or France; neither was it a mere confederation of states, like the Dutch or Swiss republics. It was a true federal state (*Bundesstaat*) in the most technical sense of that term.

The distinctive character and great significance of the United States in the world's history can hardly be understood without an appreciation of federalism itself as a

principle of political growth and organization. The circumstances which have attended the formation of some federal states have often tended to obscure the real nature of this principle. Because we are accustomed to think of the United States, for example, as originally formed by the aggregation of previously independent States, it is often supposed that a federal state can only be one which has grown up through the process of aggregation, that it can come into being only by the delegation of certain powers on the part of the constituent communities which have united for that special purpose. But the federal republics of Mexico and Brazil and the federal system of Canada, have been formed not by such a process of aggregation, but by the reverse process of segregation and decentralization. And it might even be said that all the States of the American Union, with the exception of the original thirteen, have become parts of the American federal system, not by delegating powers to the central government, but by receiving from the central government powers similar to those possessed by the original thirteen. The powers of the constituent States thus mentioned are not intrinsic and original, but extrinsic and derived. But no one would deny that the constituent States of Mexico and Brazil, and the thirty-one new States of the American Union are as truly parts of a federal system as though they had once actually possessed the character of independent and sovereign communities. Moreover, the advocacy by eminent statesmen of the "federalization" of the British Empire indicates the accepted belief that a federal system can be developed by the process of segregation, as well as of aggregation. The fact seems to be that the nature of a federal state does not depend so much upon its origin, as upon the peculiar distribution of political powers by which it is characterized.

The inchoate stages through which a loose confederation has sometimes passed in the development of a supreme federal government often makes it difficult to draw a clear line

of distinction between such a confederation and a true federal state. Professor Freeman, in his "History of Federal Government in Greece and Italy," has indicated the difficulty of separating the early stages of federalism from its complete and perfected form. But while this writer, in following out the scope of his work, has described many imperfect forms of the federal system, he has none the less given us a clear and intelligible description of what constitutes a true federal government. "Two requisites," he says, "seem necessary to constitute a federal government in its perfect form. On the one hand, each of the members of the union must be wholly independent in those matters which concern each member only. On the other hand, all must be subject to a common power in those matters which concern the whole body of members collectively. Each member," he continues, "is perfectly independent within its own sphere; but there is a sphere in which its independence, or rather its separate existence, vanishes. It is invested with every right of sovereignty on one class of subjects; but there is another class of subjects on which it is as incapable of independent action as any province or city of a monarchy or an indivisible republic. . . . This complete division of sovereignty," he concludes, "we may look upon as essential to the absolute perfection of the federal ideal."\*

While this last proposition of Professor Freeman is at variance with the theory generally accepted by political scientists, namely, that sovereignty is ultimate and indivisible, we may accept his general statement as fairly descriptive of the federal idea; and we may even reconcile his view with the scientific theory of sovereignty by saying that, while the sovereign authority of a state is the ultimate and indivisible source of all political powers, these powers themselves may be divided and distributed, certain powers being exercised independently by a central government, and certain other powers being exercised equally independently by the

\* "History of Federal Government in Greece and Italy." Ed. 1893, pp. 2 and 3.

constituent members of the body-politic. The essential idea of federalism seems to be that of duality, or the co-ordination of two separate systems of government, each independent within its own sphere, but both dependent upon a fundamental law which defines the boundary line between these spheres of independent action. This is true whether, as in some federal systems, the central powers are delegated and the local powers residuary; or, as in other systems, the local powers are delegated and the central powers residuary.

The principle of duality may, it is true, apply merely to the government, and not to the whole body-politic—including the rights and duties of citizenship. In such a case it may be said that there is no federal *state* in the proper sense, but only a system of federated governments; the central government, in exercising its authority or in making its requisitions, comes into relation with the constituent governments only, and has no direct relation with the citizens themselves. But a "state," in the proper sense, is something more than a government. It comprehends the whole body-politic. It is the entire political organism, composed alike of a system of government and a community of citizens. A perfect "federal state" must therefore possess not only a dual government, but also a dual citizenship. Not only is the exercise of authority on the part of the government divided and co-ordinated, but also the possession of rights and duties on the part of the citizen is similarly divided and co-ordinated. Each government, whether central or constituent, exercises within its own sphere an independent and direct authority over every citizen, and in turn every citizen possesses distinct spheres of rights and duties sanctioned and enforced by each government. This duality, both of government and citizenship, evidently marks the highest conception of the federal state. And it is this conception of federalism which has found its largest and most complete expression in the organic structure of the American Union.

In reading the records of the Constitutional Convention



of 1787 we find that the great difficulties which attended the formation of the Federal Constitution were not so much those which related to the mere forms of the central government, as those which related to the basis of that government and to the relative status of the constituent communities. The real problem before the convention, whether consciously perceived or not, was not simply to form a federal *government*, but what was far more refined and difficult, to construct a true federal *state*—a body-politic in which the principle of duality should apply not only to the exercise of legislative, executive and judicial powers, but also to the possession of rights and duties on the part of all those who should become subjects of the federated authority. While the model upon which the several branches of a new government could be constructed were clearly apparent in every American State, the principles which should enter into a completely federalized body-politic were not so conspicuously manifest. And it was only by a laborious sifting and careful adjustment of divergent notions that the peculiar ideas which characterize American federalism were finally brought to light in the Convention of 1787.

No one can, of course, claim that the principles of American federalism, any more than the particular forms of the central government, were created by that famous body of statesmen whom we sometimes reverently call the "Fathers." On the other hand no one can be justified in the belief that the American Union was a mere modification or outgrowth of any previous alliance which had existed between the colonies or States. No authoritative historian of the Constitution has ever entertained the superficial view that that document was a mere variation of the Articles of Confederation. It is certain that those who participated in its formation never had such a view. Its opponents objected to it for the very reason that it was essentially and radically different from the previous Articles. And its advocates supported it and adopted it because they believed that the existing

Articles were utterly inadequate to express the political ideas and to meet the political needs of the American people. The new political system was a modification neither of the Confederation of 1781, nor of the Albany Union of 1754, nor of the New England Confederacy of 1643. These superficial alliances served, it is true, to bring the colonies and States into more amicable relations, by which they could aid each other against their common foes. But none of them contained the essential and distinctive features of that composite state-system which was established by the Constitution of 1787. We must search deeper into American political life, and perhaps into the common political life of our Teutonic, and even our Aryan ancestors to find the true historical sources of American federalism.

That the germs of a true federal state already existed in the political institutions of America, although not embodied in the Articles of Confederation or in any previous alliance of a similar nature, is a fact which is susceptible of the clearest proof. That these federative principles determined to a large extent the internal growth and structure of the early colonies, especially those of New England, is also a proposition which can be readily demonstrated. Moreover, it can be shown that these peculiar federative features, which marked the structure of many American colonies, were not derived from any contemporary institutions of Europe, but were rather the outgrowth of fundamental race instincts which had survived the general wreck of political liberty on the Continent and in England—instincts which had in fact given birth to the primitive European state, which had in ancient times presided over the genesis of political institutions in Greece and in Italy, as well as in the Teutonic world, both in Germany and in Anglo-Saxon England, but which had been suppressed by centuries of centralization, and were again brought into consciousness and efficient activity only with the throes of the Puritan Revolution, a revolt against centralized authority which reached its most

logical outcome, not in England, but on the shores of the New World.

It will, of course, be impossible within the limits of this paper to illustrate in an adequate way the line of historical continuity suggested by these propositions. Every student of institutional history must be impressed with the importance of federalism as a principle of political organization in the early stages of human society. The natural and almost spontaneous way in which the early integrations of society were effected by the differentiation and coalescence of elementary groups and the well-nigh universal tendency in the early period to blend a qualified local independence with a qualified central authority seem to show that federalism is in some sense a normal principle in the growth and organization of political society. The greatest English authority upon early federalism, Professor Freeman, in studying the ancient Greek confederations of cities, which culminated in the Achaian League, was convinced that some form of federalism existed in Greece even before the formation of cities.\* Dr. Arnold, from his researches into the early history of the Italian communities, was led to make a more general statement, to the effect that "the system of federation existed everywhere in the early state of society."†

The comparative study of Greek, Roman and Teutonic society enables us to see why the early Greek and Italian cities, as well as the ancient German tribes, were but the result of a normal federative process which had been going on from the earliest times. We see that the largest political group which presents itself at the beginning of the historical period, whether the Greek city, the Italian hill-town, or the Teutonic tribe, resulted from the federation of smaller groups, namely, the Greek *phratry*, the Italian *curia*, the Teutonic hundred. We also see that these groups in turn were made up of still smaller groups, namely, the Greek

\*"History of Federal Government," p. 112.

†"Arnold's Life," Vol. i, p. 273, quoted by Freeman.

*genos*, the Italian *gens*, the Teutonic mark or village community. And finally we observe that these in their turn were composed of a number of kindred or neighboring households. The earliest European society is thus presented to us as made up of a series of concentric circles of social and political life. The household, under the power of the father, was the integral unit of the social organism. A union of households, joined either by kindred or vicinage, constituted the *gens* or village community, under the control of its head-man, its council or village assembly. In each succeeding stage of federation, the higher group assumed only the power necessary to control the interests which were common to the constituent communities, while the lower groups retained their control over matters which were purely local. Every person was thus subject to the authority of every group, whether lower or higher, within the sphere of its graduated authority. By such a continuous process of federation, when uninterrupted by abnormal conditions, was finally formed the typical Greek city, the Italian hill-town and the Teutonic tribe.

But even at an early period of European history these political societies were beginning to integrate into larger confederations; for example, the leagues of Phocis, of Bœotia, of Ætolia, of Achaia in Greece; the leagues of Etruria, of Samnium, of Latium in Italy; the confederations of the Franks, of the Saxons, of the Allemanni among the Germans. Of all these confederations, that of Achaia approached most closely to a true federal state. Each constituent government in the Achaian League was independent within its own sphere. The central government took charge of general interests, and was composed of a federal assembly, a federal senate, a federal president, and a body of magistrates which formed a sort of federal cabinet. Each citizen was responsible alike to the government of his own city and to that of the federal union. So closely did the Achaian League approach the character of a true federal state, that

Professor Freeman even broaches the question whether it did not form a conscious model for the American Union; but he gives sufficient reasons for dismissing such a hypothesis as altogether without foundation.\*

The federative tendencies which had attained such a brilliant result in the Achaian League were neutralized by the extreme localism which prevailed in other parts of Greece, and were finally overpowered and rendered impotent by the Macedonian and Roman conquests. In a different way, but with similar results, the federative tendencies which in early times prevailed in Italy, were overcome and finally destroyed by the centralizing policy of the Imperial City.

Of the three great branches of the Aryan race in early Europe—the Greeks, the Italians and the Germans—it was the Germans who possessed a federative system which promised the most favorable results. Having no established cities around which clustered the traditions of local sovereignty, and not placed under the shadow of an autocratic imperialism, they were apparently threatened by none of the influences which had destroyed federalism in Greece and Rome. Before their migration to Britain in the fifth century, the Germans had developed the mark, the hundred, and the tribe, which were concentric areas of social and political life, and which presented in outline the gradations of local independence and central authority.

When transplanted to England this federative system of the Germans appeared in a more definite form. The Anglo-Saxon township, like the German mark, the Italian *gens* and the Greek *genos*, was the primary unit of political society. Within its own sphere it was a miniature republic, governed by its own assembly or town-meeting (*tun-gemote*), electing its own chief magistrate (*tun-reeve*), and exercising exclusive authority over its own local affairs. A federation of Anglo-Saxon townships constituted the hundred. This group also possessed its own elected chief (*hundred-reeve*),

\* Freeman's "Federal Government," p. 249.

with a representative assembly (*hundred-gemote*), composed of the head-man and four chosen men of each township. It exercised jurisdiction over matters which were of common interest to the several towns of which it was composed.<sup>\*</sup> A federation of hundreds constituted the early Anglo-Saxon tribe, kingdom, or what afterward corresponded to the shire. The shire may, in fact, be regarded as the highest form of the early Anglo-Saxon state. It possessed a general assembly (*shire-mote*) made up of all freeholders, together with a representative element, comprising, like the hundred-court, the head-man and four chosen men from each town of the shire. It originally elected its own chief magistrate, the earldorman, and its own judicial executive, the sheriff (*shire-reeve*), and exercised an authority over the general affairs of the whole shire, whether legislative, executive or judicial. Without going further into details, regarding what is well known to every student of institutional history, it may be said in general that the earliest institutions of England presented the same features of a federative system, with its graduated adjustment of local independence and central authority which seems everywhere to have prevailed in early European society.\*

No more than in Greece and Italy, did the germs of federalism ever reach their full development in England. With the consolidation which attended the growth of the later Anglo-Saxon kingdom, and during the long period of centralization which followed the Norman Conquest, the different areas of local self-government gradually lost their importance as centres of independent political life. In the first place the shire or county lost its character as a self-governing community. The power of electing the sheriff was taken away from the freeholders; the earldorman was superseded by the lord-lieutenant, who was appointed by the

\* Stubb's "Constitutional History of England," Cap. 5; P. V. Smith's "History of English Institutions," p. 64, et seq.; Freeman's "Comparative Politics," p. 115, et seq.; Coulanges's "Ancient City," Book 3, Cap. 1.; Hearn's "Aryan Household," Cap. 14, "The State."

Crown; and in the meantime the shire assembly acquired the character of a judicial court under the control of the king's officers. Although the county became a seat of Parliamentary elections, its chief character was that of a mere administrative district of the central government. In the next place, the hundred early lost its independent character; its assembly soon passed out of sight, and its previous judicial functions were transferred to the county court. Finally, the township itself was so transformed as to lose the distinctive and independent civil organization which it originally possessed. Its political and ecclesiastical life was, it is true, continued to a certain extent in the manor and the parish, but neither of these institutions preserved the local independence and the self-governing features of the ancient township. On the one hand, the court of the manor, while retaining the freeholders as its suitors, passed under the control of the feudal lord; and the custom of removing all causes from this court to the justices on circuit, caused its jurisdiction gradually to fall into disuse.\* On the other hand, the vestry of the parish, while preserving some of the appearance of the old town-meeting, was modified by the introduction of the "select vestry," which was practically a self-elected and close corporation.† The parish, indeed, on its civil side, became scarcely more than a district for the collection of the rates and the administration of the poor laws.

The principles of local self-government, and the inchoate forms of federalism which England had anciently inherited from the Teutonic, and more remotely from the Aryan race, were practically suppressed by the methods indicated. Even the growth of representation did not neutralize this tendency toward the decay of local autonomy; and the chartered rights of the boroughs, which, for a time, promised local liberty to the municipal population, were greatly

\* P. V. Smith's "English Institutions," p. 80.

† *Ibid.*, p. 95.

restricted by the encroachments of the nobility and the Crown.\* By the beginning of the seventeenth century it may be said that local self-government, in the proper sense of that phrase, had disappeared from England.<sup>8</sup> Even the words "local government" came to mean not local *self*-government, that is the independent government of localities by the localities themselves, but the government of localities by the central authority,—sometimes, it is true, through administrative officers elected by the districts. The distribution of real political power between larger and smaller areas, such as characterized the early Anglo-Saxon system, no longer existed. All the chief elements of local authority had been gathered up into the central government and finally into the hands of the king, so that under the Tudors and the early Stuarts the government of England was more nearly assimilated to the autocratic imperialism of Rome than to the democratic and federal institutions of early Europe.

But though the principles of the early Anglo-Saxon system formed no essential part of the English monarchy under James I. and Charles I., the spirit of Anglo-Saxon freedom still existed in the hearts of the English commonalty. It boldly reasserted itself in the Puritan Revolution, and while a part of its adherents painfully struggled for recognition in the land of its nativity, another part sought for a more peaceful refuge on the shores of the New World. The Puritan Revolution is relevant to our present discussion only as it was a reaction against the centralized monarchy of England, and as it opened a new field for the revival of those normal principles of local freedom and federative growth which had presided over the first definite organization of European society, but which had been successively overcome in Greece by disintegration and conquest, in Rome by imperialization and in Britain by the centralizing tendencies of the Crown. Moved by the spirit of political and

\* *Ibid.*, pp. 88 and 89.



ecclesiastical independence the Puritan refugees sought to break away from the political system of the Old World, with its extreme tendencies to centralization in church and state. Even the small band which fled to Holland found in that land of commingled freedom and feudalism no congenial home, and became, in fact, the pioneers of the Puritan migration to the New World. The reappearance of democratic and federal institutions in the Puritan colonies of this country is a significant fact in universal as well as in American history. In the wilds of New England it would not be an exaggeration to say that European society had a new birth.

In looking at the federative system which grew up in the New England colonies, and which afterward became incorporated in the Federal Union of 1787, it is worthy of remark that it was patterned after no existing model, and that it was established by no law outside of the colonies themselves. Though the central government of the colony can be distinctly traced to the chartered forms of the trading company, yet the growth of local self-government in the constituent towns of the colony, and the adjustment of the government of these towns to the central government of the colony, were as foreign to the forms of a trading company as they were to the contemporary institutions of England and of Continental Europe. In fact, the distribution of political powers between co-ordinate governments—a system which sprang up in Plymouth, Massachusetts Bay, Connecticut and Rhode Island—had no existing counterpart in the countries of the civilized world. It can be historically explained only as the instinctive reproduction of primitive institutions under the influence of a primitive environment.

The progressive steps by which this system became established in the different colonies illustrates the different ways in which a federal organization may come into existence. If we clearly distinguish between the central government of the colony and the constituent governments of the towns,

and trace the genesis of each, we can see that the growth of a federal system does not necessarily proceed according to a uniform method. It may, for example, arise by the integration of previously existing communities into a larger political society, or it may arise by the segregation of an existing community into distinct and constituent parts. In some cases in New England, in one at least, the government of the town preceded that of the colony; in other cases the government of the colony preceded that of the town. It has often been said by those who have investigated the early institutions of New England, and reiterated by those who have not; that the town was the integral unit of New England society. If by this statement it is meant that the organization of the town necessarily preceded that of the colony, and that the colony was in all cases merely an aggregation of previously organized towns, the statement is far from being true.

In Plymouth the central government of the colony, with its governor, assistants, and general court, was developed before the outlying towns were even settled. And when the new settlements were first made, the inhabitants still remained, for a time, a homogeneous part of the Plymouth community. It was not until sixteen years after the founding of the Plymouth colony that the first towns of Scituate and Duxbury were recognized as having any distinct organization or powers.\* The new communities gradually acquired, or rather assumed, independent powers over their own local affairs, which independent powers were recognized by the colonial government in 1639. The general liberties granted to the towns of Plymouth are indicated by the two laws of 1639. The first of these provided "That all the Townships within this government, allowed or to be allowed, shall have liberty to meete together and to make such Towne orders as shal be needfull and requisite for the hearing of cattell and doing such other things as shal be needfull for

\* Plymouth Records, Vol. i, pp. 44 and 62.

the maynetenance of good neighbourhood and to set penalties upon delinquents, Provided that their orders be not repugnant nor infringing any publicke act.”\* By the second law it was enacted “That every Towneship shal have liberty to meete together and make levyes, rates & taxes for their townes charges & to distrain such as refuse to pay the same upon warrant from the Court or Governor.”† The mode in which the towns should exercise these powers was left to the towns themselves. The town meeting was, like the Anglo-Saxon *tun-gemote*, a primary assembly of all the freemen, who came gradually to depute their powers to certain chosen men, or select committees. It was not until 1665 that the board of “selectmen”—an institution which had already grown up in Massachusetts—was formally adopted in the Plymouth towns.‡ By the general process thus described there grew up in succession the central government of the colony and the separate governments of the constituent towns. Each of these governments, central and constituent, was distinct in form and functions. The central government of the colony was made up of a governor, a council of assistants, and a general court or assembly, and it exercised a general authority over the common interests of the whole community. The town government was made up of a town meeting, or primary assembly, and a body of officers selected by the freemen of the town, and it exercised an authority over the local affairs of the town. This distribution of political powers between two sets of governments, sanctioned by general organic laws passed by the whole community, gave to the Plymouth colony the essential features of a federal republic.

In Massachusetts Bay, the growth of the federative system

\* *Ibid.*, Vol. xi, p. 32.

† *Ibid.*, p. 36.

‡ Although the colony of Plymouth was founded before that of Massachusetts it was in the latter colony that the local institutions were first differentiated, and became adopted by the other colonies. “The institution of towns, with their government of selectmen, had its origin in Massachusetts, and was borrowed thence by the other governments.”—Palfrey’s “New England,” Vol. ii, p. 12.

was similar to that of Plymouth, in that the organization of the central government preceded that of the towns. But while the central government of the Plymouth colony was not established all at once, but grew up gradually, the central government of the Massachusetts colony was established immediately by the charter of the Massachusetts Bay Company—or more correctly, the government which the charter established for the company, with its governor, deputy-governor, assistants, and general court, was transferred bodily from England to Massachusetts, and became itself the central government of the colony.

But the distinct organization of the towns, with their town-meetings and selectmen, was in Massachusetts as in Plymouth the result of a gradual process of growth. After the great migration of 1630 the population of the colony was scattered among nine or more plantations or settlements. But these plantations were not at first "towns" in any political or legal sense. Their inhabitants formed a homogeneous community directly under the colonial government. When in 1631 the government of the colony was temporarily entrusted to the governor and the magistrates, the people of the plantations were obliged for the most part to shift for themselves. Each company of settlers, either by common action or through selected committees, assumed supervision over their own local affairs. They laid out their own lands, assigned them to occupants, admitted new persons to the settlements, and passed whatever orders seemed necessary to regulate their own interests. The special kinds of administrative work to be done in the town came to be entrusted to special committees. For example, the very first order on the town records of Boston is the appointment (May 7, 1634) of a committee composed of John Winthrop and nine other persons "to lay out stones and logs near the landing place."\* In 1635 a committee was appointed "to set prices upon all cattle, commodities, victuals, and laborers' and workmen's

\* Quincy's "History of Boston," p. 3.

wages."\* The early custom of entrusting special work to special committees, both by the colonial government and by the towns, is seen in the following excerpt from the Massachusetts Records of 1634, where it is ordered that nine persons (whose names are given) be authorized by the General Court "to set out the bounds of all towns not yet set out, or the difference between any towns, provided that the committees of these towns where the difference is, shall have no voice in that particular."†

The custom of appointing a special committee for each occasion was gradually displaced by the election of a standing committee of "prudent men" to supervise the general affairs of the town. This committee was at first designated in a great variety of ways, for example, as "persons chosen for the occasions of the town," as "overseers of the town concerns," as the "seven men" or the "nine men" according to their number, as the "chosen men of the town," as the "townsmen," as the "townsmen select," and finally as the "selectmen." The term "selectmen" does not appear on the town records of Boston until November, 1643, and then only incidentally; and it was not until 1645 that John Winthrop and nine others were formerly chosen under the name of "selectmen."‡ It seems quite evident that this famous institution of New England was at first nothing more than a standing committee which was selected by the town people to take charge of their affairs during the intervals of the town meetings. The nature, functions and origin of this official body are fully explained in the Rev. Richard Brown's Diary in which that divine says that "they were chosen from quarter to quarter by papers [ballots] to discharge the business of the town, in taking in or refusing any to come into town, as also to dispose of lands and lots, to make lawful orders, to impose fines on the breakers of orders, as also to levy and distrain them, and were fully empowered of

\* *Ibid.*, p. 4.

† Massachusetts Records, Vol. i, p. 125.

‡ Quincy's "History of Boston," p. 3.

themselves to do what the town had power to do. The reason whereof was, the town judged it inconvenient and burdensome to be all called together on every occasion."\* In this way the towns of Massachusetts gradually assumed the powers and adopted the methods necessary to manage their own local affairs. The central government of the colony did not, as a rule, interfere with matters which related exclusively to the towns-people, but exercised authority only over matters of general concern. It regulated the boundaries and disputes between the towns, punished the graver crimes, imposed general taxes, determined the conditions of the franchise, provided for the military defence, and supervised the external relations of the colony.

The recognition of the distinct and independent authority of the Massachusetts towns to govern themselves within the sphere of their own interests was formally expressed in a law passed by the General Court of the colony in 1636. As this is the first law of its kind enacted in New England, and as it was copied by other colonies it has a special significance. It reads as follows: "Whereas particular townes have many things which concerne themselves and the ordering of their owne affairs and disposing of businesses in their owne townes, it is therefore ordered that the ffreemen of every townes, or the major parte of them, shall onely [solely] have power to dispose of their lands & woods, with all the previliges & appurtenances of said townes, to graunt lotts & make such orders as may concerne the well ordering of their own townes, not repugnant to the lawes and orders here established by the General Court; as also to lay mulks and penalties for the breach of their orders & to lay & distreine the same not exceeding the some of xxs; also to chioose their owne particular officers, as constables, surveyors of the highways, and the like."† This law gave a definite sanction to customs already existing; and when we remember that it

\* Quoted in Coffin's "History of Newbury," p. 19.

† Massachusetts Records, 1635-36, Mar. 3, Vol. i, p. 172.

was at the same General Court at which this law was passed, that the dissatisfied towns of Dorchester, Newtown, and Watertown obtained their permission to settle in Connecticut, it is evident that the law was intended quite as much to limit the powers of the central government as it was to define the powers of the town governments. In fact, it defined the sphere of local independence within which the central government could not legally interfere. Moreover, the Massachusetts law of 1636 was not a mere act of incorporation. It possessed the character of a constitutional enactment, so far as such a law was possible at the time. It was a general act, passed by the supreme authority within the colony—discounting the king. It defined the sphere of the constituent governments in their relation to the central government, and thus secured the right of local autonomy within the towns. This law was, furthermore, re-enacted in the "Body of Liberties" in 1641, which gave to it, in the qualified sense just indicated, a more definite character as a constitutional provision.\*

The colony of Massachusetts thus acquired the character of a federal republic, with the distribution of powers between the central government of the whole colony and the governments of the constituent communities which is essential to it. Each government, whether central or constituent, had not only its own sphere of customary authority, but its own distinct form of organization. The town was, in short, a body-politic, having a qualified independence, and exercising its authority through an assembly of its own freemen and

\*The "Body of Liberties," which was compiled by Mr. Nathaniel Ward from the existing laws in force in the colony, was approved by the General Court, December 10, 1641. The provision relating to towns appeared in the following form: "The Freemen of every Township shall have power to make such by laws and constitutions as may concerne the welfare of their Towne, provided they be not of a Criminall, but only of a prudentiall nature, And that their penalties exceede not 20 sh for one offence, And that they be not repugnant to the publique laws and orders of the Countrey. And if any Inhabitant shall neglect or refuse to observe them, they shall have power to levy the appointed penalties by distresse."—"The Colonial Laws of Massachusetts, reprinted from the edition of 1650," etc., Ed. by Wm. H. Whitmore, Boston, 1889, p. 47.

through officers of its own choice. The central or federal government of the colony was based partly upon the people and partly upon the towns as integral elements of the colony. The governor, deputy-governor and assistants, which soon constituted the "upper house" were chosen by a general election of the whole body of freemen, while the deputies, who soon constituted the "lower house," were chosen by an equal representation from the several towns.

This political system was not, technically speaking, a mere system of federated governments. On the contrary, each citizen was responsible to the central government of the colony, as well as the government of his own town. The principle of duality applied not only to the distribution of political powers, but also to the exercise of rights and duties on the part of the citizen. The entire body-politic was thus organized on a true federal basis. This form of federalism in Massachusetts continued substantially throughout the whole colonial period, and it is perhaps worthy of remark that no provisions were made in the first constitution of the State abridging the rights of local self-government already possessed by the towns.

The growth of the federative system in Connecticut was closely akin to that in Massachusetts. The year in which the people of Dorchester, Newtown and Watertown emigrated to the Connecticut River was the year in which the General Court of Massachusetts had recognized the liberties of all the towns of that colony. In planting their new settlements, the people of Connecticut continued to be jealous of the principle of local independence. In connection with the study of the political system of this colony, the question has arisen whether the towns were definitely organized before the central government of the colony was established,\* or whether the central government was organized before that of the towns.† This question, however, is not very relevant

\* For this view, see Johnston's "Connecticut," pp. 61 and 62.

† This view is plausibly defended by Charles M. Andrews in the "Beginnings of the Connecticut Towns," *ANNALS*, Vol. i, p. 165, Oct., 1890.



to our discussion, if, as we have shown, a federal system can come into existence as the result either of aggregation or of segregation. The fact seems to be that some form of town organization in Winsor, Hartford and Wethersfield, and some form of common government over these towns co-existed from their first settlement on the Connecticut River. The inhabitants of these towns had already formed a considerable portion of the previous towns of Dorchester, Newtown and Watertown, in Massachusetts, where they had insisted upon their rights of self-government; and in the absence of records to the contrary, we may reasonably suppose that they continued from 1636 to 1639 to act in their new settlements, as they had claimed the right to do in their previous homes. Moreover, the records of the General Court of the colony of Connecticut, which begin with the year 1636, contain no statement indicating that the central government—which was at first authorized by a commission from Massachusetts, but which was in a year entirely assumed by the Connecticut people—interfered at all with the local affairs of the towns. For example, the colonial government laid out the boundaries between the towns, but did not distribute the lands within the towns.\* And in the Pequod war the requisitions were laid upon the towns as separate political entities, and not upon the individual inhabitants.†

By the Constitution of 1639 the central government of Connecticut became definitely organized, being modeled in general on the Massachusetts system. The governor and magistrates were chosen at a general election by the whole body of freemen, and the deputies were elected by equal representation from the several towns. The preamble of the Connecticut Constitution of 1639 declares "that we the Inhabitants of Winsor, Harteford and Wethersfield . . . doe assotiate and conjoyne our selues to be one Public State

\* Connecticut Records, Vol. i, pp. 7 and 8.

† *Ibid.*, p. 9, et seq.

or Commonwealth; and doe for our selues and our successors and such as shall be adjoynded to vs att any tyme hereafter, enter into Combination and Confederation together to mayntayne and presearue the liberty and purity of the gospell . . . as also in our Ciuill affairs to be guided and gouerned according to such Lawes, Rules, Orders and decrees as shall be made, ordered & decreed as followeth," that is, in the manner prescribed in the subsequent articles.\* In October, 1639, the General Court made a formal recognition of the liberties of the towns which they had evidently possessed from the first. This law reads as follows: "The Townes of Hartford, Winsore and Wethersfield, or any other of the Townes within this jurisdiction, shall each of them haue power to dispose of their owne lands undisposed of, and all other commodities arising out of their owne lymitts bounded out by the Court, the libertyes of the great River excepted, as also to choose their owne officers, and make such orders as may be for the well ordering of their owne Townes, being not repugnant to any law here established.† Scarcely any reference is made in the records of the colony to the organization of the towns themselves. Not until 1650 is there any mention made of the "townsmen" as such,‡ and it was not until the revision of the laws in 1660 that the term "selectmen" was employed as a synonym for "townsmen." The extent to which the towns continued to be secured in their local independence is evident from the revised laws of 1672, which still provided that the inhabitants of every town should have power to make such orders, laws, rules and constitutions as concerned their own welfare.§

\* For the text of the Constitution, see Connecticut Records, Vol. i, p. 20, and also Trumbull's "History of Connecticut," Vol. i, Appendix, p. 3.

† Connecticut Records, Vol. i, p. 36.

‡ *Ibid.*, p. 214.

§ The revised laws of 1662 contain the following enactment: "*Be it enacted by the Governour and Council and House of Representatives in General Court assembled, That the settled and approved inhabitants of every town in this State, qualified and having estate as is hereafter in this act provided, shall have power to make such orders, rules and constitutions as may concern the welfare of their towns.*"—Statutes of Connecticut, Ed. 1808, p. 649.

From these facts it is evident that in the colony of Connecticut there was a real distribution of political powers between the central government of the colony and the governments of the constituent communities, similar to that which had grown up in Massachusetts. By the later incorporation of New Haven with Connecticut this composite system, with all its federal features, became extended over the combined communities. The royal charter of 1662 recognized the existing organization of the central government, confirming the right of the freemen at large to choose their governor, deputy-governor and assistants by general election; also the right of equal representation to the several towns in their choice of the deputies to the General Court; and, moreover, it did not in any way detract from the rights of local freedom already possessed by the towns.\*

In Rhode Island the process of federation was somewhat different from that pursued in the other colonies of New England. The colony of "Rhode Island and Providence Plantations" was in its completed form the result of an integration of the towns of Providence, Portsmouth, Newport and Warwick. Each of these towns, except Warwick, had been for some time previous to the union organized under its own independent government. The earliest official body in Providence was a committee of five men, called the "disposers," while in Portsmouth and Newport it was composed of a "judge" and three "elders;" in each case these officers were chosen directly by the people. There was no common authority of any sort exercised over these towns previous to 1640. In that year the two towns of Portsmouth and Newport, while retaining their local independence, first united in a common government, in which a governor and two assistants were chosen from one town, and a deputy-governor and two assistants were chosen from the other town.† The records show that this common

\* Cf. Poore's "Charters and Constitutions," Vol. i, p. 253.

† Rhode Island Records, Vol. i, p. 100.

government did not interfere with the local affairs of either town, but took charge of those matters only which were of common interest.

The next step in the federation of the Rhode Island colony took place in 1647, when the common government was enlarged and modified so as to include Providence and Warwick. The three towns of Providence, Portsmouth and Newport had already received from Parliament in 1643 a "Free Charter of Incorporation and Government," that "they may order and govern their Plantations in such a Manner as to maintain Justice and peace, both among themselves and towards all men with whom they shall have to do . . . . Together with full Power and Authority to rule themselves, and such others as shall hereafter inhabit within any Part of Said Tract of land, by such a Form of Civil Government as by voluntary consent of all, or the greater Part of them, they shall find most suitable to their Estate and Condition."\* The extent to which the spirit of local independence existed in Rhode Island is seen in the instructions which Providence issued to its committee which met with the committees of the other towns to organize the new government. "We desire," said the people of Providence, "to have full power and authority to transact all our home affairs, to try all manner of causes or cases, and to execute all manner of executions, entirely within ourselves, excepting such cases and executions as the colony will be pleased to reserve to general trials and executions. We desire to have full power and authority to choose, ordain, authorize, and confirm, all our particular town officers, and also, that the said officers shall be responsible unto our particular town, and there may be no intermixture of general and particular officers, but that all may know their bounds and limits."† In May, 1647, at a general assembly of all the freemen of the colony, the new central government which

\* For this charter, see Rhode Island Records Vol. i, p. 145.

† *Ibid.*, p. 43.

was to exercise a supervision over the common interests of the four towns was constituted. The common government consisted of a "President;" four "Assistants," one from each town; a "General Court," made up of "committees" of six men, elected by each town; and a "General Court of Elections;" at which all freemen, either in person or by proxy, voted for the general officers of the colony. Each town retained its own local authority, and was governed by a committee of six men, otherwise called the "council of the town," chosen at the town-meeting.\*

Of all the towns of Rhode Island, Providence seems to have been the most jealous of its local autonomy. To obtain an unquestionable guarantee against any possible encroachment by the central government, Providence, in 1649, petitioned the General Court of the colony for an act of incorporation. Taking as a model the charter of 1643, which the colony itself had obtained from Parliament, the colonial assembly granted to Providence a similar charter, couched in similar terms, granting to the inhabitants of that town the full authority to govern themselves in all local matters. This charter is significant as being the first charter of incorporation, in the proper and legal sense, granted by any American colony to one of its constituent towns. It also indicates a very clear discrimination between local and central authorities. By it the general assembly granted and confirmed to "the free inhabitants of the towne of Providence a free and absolute charter of civill incorporation and government . . . together with full power and authoritie to governe themselves, and such others as shall hereafter inhabit within any part of the said Plantation, by such a form of civill government, as by voluntarie consent of all or the greater part of them, shall be found suitable unto their estate and condition . . . always reserving to the aforesaid Generall Assemblie power and authoritie so to dispose the

\* For the proceedings of this Constituent Assembly, see Rhode Island Records, Vol. i, pp. 147-155.

generall governmente of that plantation as it stands in reference to the rest of the plantations, as they shall conceive from time to time, most conducing to the general good of the said plantations."\* Although no similar act of incorporation was granted to the other towns, it is evident from a perusal of the records that the rights guaranteed to Providence were recognized as belonging to them also; since no orders seem to have been enacted by the colonial government which interfered with the purely local interests of the several towns.

The royal charter granted to "Rhode Island and Providence Plantations" in 1663 was drawn by the same hand that drew the Connecticut charter of 1662, and the form of the central government of Rhode Island became assimilated to that of Connecticut, with its governor, deputy-governor, assistants and deputies. The phraseology of the Rhode Island charter of 1663 is almost identical with the Connecticut charter of 1662 in those parts which relate to the constitution of the colonial government. The number of assistants, however, which was authorized in Connecticut was twelve, while in Rhode Island it was ten. Also, in Connecticut the number of deputies was restricted to two from each town, while in Rhode Island six deputies were allowed to Newport and four to each of the other towns.† As in Connecticut, so in Rhode Island, there were no provisions which restricted the liberties already possessed by the towns. In each case there was the same distribution of general and special powers between the central government of the colony and the governments of the constituent communities.

These facts, it is believed, are sufficient to show that the political organization of the New England Colonies rested upon a true federal basis. The separation of powers between central and constituent governments was an essential and

\* For a copy of this charter, see Rhode Island Records, Vol. i, p. 214.

† For the Rhode Island charter of 1663, see Rhode Island Records, Vol. ii, p. 3; also, "Charters and Constitutions," Vol. ii, p. 1595.

organic feature in the structure of every colony. The New England town, as it was organized during the colonial period, did not possess the character of a mere municipality with certain specified powers defined in an act of incorporation. With the exception of Providence no New England town received a charter of incorporation in the proper sense, and even the charter granted to Providence was really a charter of liberties, guaranteeing rights of self-government which had existed from the first. In the eyes of the colonists the authority of the town government within its own sphere was as essential to the organic structure of the colony as was the authority of the colonial government within its own sphere. A qualified local independence and a qualified central authority were everywhere interwoven as warp and woof into the political fabric. We thus see in the development of New England society during the seventeenth and eighteenth centuries a practical reproduction of those normal principles of federal growth which had presided over the earliest organization of European society, and which were now destined to survive and finally to work out political results in the New World which they were never permitted to attain in the Old.

It has been the purpose of this paper merely to show the beginnings of the federal system on American soil, and to suggest the historical principles upon which its origin must be explained. It would be instructive to contrast the relatively complete character of the federative system of New England with the relatively limited extent to which this system was developed in the other colonies. It would also be interesting to show how, in the establishment of the Federal Union of 1787, it was the New England system, represented chiefly by the statesmen of Connecticut and their supporters, which furnished the most decisive elements, not so much, perhaps, in the framing of the branches of the central government as in bringing about that adjustment between the Union as a whole, and the States as integral factors of that

Union which rendered the true federation of the American States possible. But these subjects lie beyond the limits of the present discussion. They suggest, however, the great importance of the federative system of New England, as presenting to us a sort of connecting link between the oldest and newest phases of political organization, between the institutional system of our Aryan ancestors and that synthesis of localism and centralism which seems to many to be the highest product of modern political evolution—the federal state.

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## THE AMENDMENTS TO THE ITALIAN CONSTITUTION.

Lieber divides constitutions into cumulative and enacted. The sole type of the former is to him the English Constitution, which has never had a fundamental charter as in all other modern constitutional states. Of the latter there are numerous and varied types which have common features in the manner in which the constitution is formed as the work of a few or of many who edit it and embody it in articles, attempting to interpret the new needs of a people.

Cumulative constitutions must be based upon the principle of parliamentary omnipotence. Enacted constitutions, unless they are intended to change into cumulative ones, must distinguish a constituent function of the legislative, prescribing special rules for the modification of the charter, and giving to the judiciary the judgment on the constitutionality of laws, thus arriving at the institution of a special court like the Supreme Court of the United States.

The Italian Constitution which was enacted at its origin has become cumulative in its development. It does not distinguish a constituent function in the legislative, nor does it give to the judiciary the interpretation of the constitutionality of the laws. Parliament has therefore never directly declared any intention to modify a single article of the constitution, but it has indirectly modified and interpreted several of them.

He who would seek to form an idea of the Italian Constitution from the eighty-four articles of the statute would obtain an incomplete and erroneous one. For a proper understanding one must follow instead all the changes which have been wrought by law, usage and neglect.

2. Not only at the first promulgation of the statute was it

thought in Piedmont that it was capable of modification by the ordinary legislative power; but many, influenced by French ideas, spoke freely of the constituent assembly.

In the throne address read by the royal representative, Prince Eugene of Savoy-Carignano, at the opening of the first Sub-Alpine Parliament on the eighth of May, 1848, it was said: "If the desired union with the other parts of the peninsula should be consummated, we shall promote such changes in the law as promise to aggrandize our destinies and to add to it that degree of power necessary for the good of Italy, should Providence lead us to that point."

At that time, the Senate replied as follows: "If to establish this unity of political powers, the king should ever find it necessary to effect the changes announced, though they have not been clearly defined to the Senate, the latter declares now that it has always had in view in its constitution the power of the Crown and the liberty of the people, but never the personal prerogatives conferred upon its members by the statute, which all are willing to return to the hands of the king, from whom for the sole purpose and with the sole desire of promoting the good of the State and of all Italy they have been received." The Chamber of Deputies, on the motion of Rattazzi, replied: "To-day when our votes are to accomplish the fusion with sister provinces, the Chamber views with pleasure, the day approach, when from universal suffrage there shall be evoked a constituent assembly which will form a statute upon the most liberal and popular basis, a statute which shall render strong, vigorous and glorious the monarchy which has for its aim the invulnerable principle of Italian independence."

In that period the Duchy of Piacenza adhered to Piedmont unconditionally, the Duchies of Parma and Guastalla with the condition among others, that the constitutions of new kingdoms should be reformed upon a broader basis. The Duchies of Modena and Reggio voted that the constitution should be as broad as possible. Lombardy attached

various conditions, among them that of a constituent assembly convoked by all the States upon the basis of universal suffrage which should discuss and establish the basis and form of a new constitutional monarchy under the dynasty of Savoy.

The proposed law presented to Parliament by the Sub-Alpine Government for the union of these provinces provided in Article 8, "The electoral law for the constituent assembly shall be promulgated within one month of the acceptance of the fusion. Contemporaneously with the promulgation of the law itself, there shall be convoked a common constituent assembly which shall meet in as brief a period as possible." Article 9 established the basis for the electoral law for the constituent assembly. The ministry presented on the twenty-first of June the following additional provisions to the bill: "The constituent assembly has no other power, than to discuss the basis and the form of the monarchy. Any other legislative or administrative action of the same is void and without legal effect. The seat of the executive power cannot be changed except by act of Parliament."

It was feared at Turin that an attempt would be made to transfer the capital to Milan, a fear which colored the entire discussion of the project presented. The latter was in two parts, the first decreed the fusion and sanctioned in principle the convocation of the constituent assembly upon which it placed the limitations already mentioned, the second prescribed the rules for the election of the assembly. Both parts, after various events which it is useless to refer to here were adopted by the chamber, only to remain a dead letter through the unfortunate issue of the war of independence.

3. The address in reply to the throne speech at the opening of the second Sub-Alpine Parliament, adopted by the Chamber of Deputies on the second of March, 1849, says: "You who are surrounded by the elected representatives of the people and preserving the cares and honors by merit alone and we devoting our chief care to the regulation of

the finances, the municipalities, the national militia, the public instruction and the other civil institutions, give to the democratic principle the broadest extension which in a state of war is admissible. But only the constituent assembly of the realm could place our institutions in perfect harmony with the genius and with the needs of the century." In vain the deputy Degiorgi proposed that they should declare themselves competent to introduce into the statute those reforms the necessity of which was most generally felt. In vain Cesare Balbo, the eminent historian, and at one time president of the ministry, said that the omnipotence of Parliament was sufficient for all progress ; the majority of the chamber was at that period of a contrary opinion.

4. Then occurred the defeat of Novara and the necessity for the Sardinian state of a period of recuperation. Public opinion abandoned all idea of a constituent assembly, and rallied to the opposite and conservative idea of the immutability of the constitution. They were led to this by the fear that the statute of Charles Albert might, like all the Italian constitutions of that period, come to naught.

On the same day on which the constitution had been published Cavour wrote in the *Risorgimento*: "The irrevocable promise which is embodied in the preamble of the statute is applicable literally only to the new and grand principles proclaimed in the same and to the grand fact of a compact destined to link together indissolubly the people and the king. But this does not mean that the particular conditions of the compact are not susceptible of progressive improvement, effected by the assent of the contracting parties. With the accord of the nation, the king may in the future introduce into the statute all the changes which may be dictated by experience and the needs of the future. But if such a power resides in the Parliament, declared omnipotent by us, the king no longer possesses it alone. A minister who would advise him to make use of it without consulting the nation would violate the constitutional principles and would incur the

gravest responsibility. Despite this as the Parliament remained silent, the constitution was surrounded by a species of fetichism which considered it "a sacred ark of covenant."

We have now reached a period when the Parliament was to be considered commendable in preserving acquired rights, when it is perfectly logical to maintain that the desire for something better would have destroyed the liberties, which though often limited, still shone from the Alps like a beacon to which gathered in time the other provinces of Italy. It is certain, that the convocation, in that perilous epoch, of a constituent assembly based upon universal suffrage would have added new fuel to the fire. Restricted by prudence, address and good-will, the conflagration could be mastered, but had the voracious flames been increased or allowed to gain ground, the statute would have perished.

5. After 1860 the modification of the constitution was again mentioned.

In discussing the law for the establishment of the Court of Accounts, which the Senate had returned to the Chamber modified by a proposal to appoint the members by royal decree upon the nomination of the ministry with the advice of the presiding officers of the two chambers, it was said that this infringed on Article 5 of the constitution, by which the king appointed all the officials of the state. In the session of July 26, 1862, Crispi maintained the competence of Parliament to reform the statute. Sella, Minister of Finance, instead said, "We consider it in truth our duty to hold the statute as a sacred ark, and never to abrogate it."

In the session of June 7, 1866, of the same Chamber, in discussing the bill for the suppression of religious corporations, D'Ondes-Reggio, in a long historical discussion and an exposition of comparative public law, maintained the necessity of a constituent power, since the bill infringed Article 1 of the statute, which could not be modified by the ordinary legislative power. Pisanelli replied to him that instead of being the ægis of a constitution, the power of a constituent

assembly is inimical to all the powers of the state, and made in proof an admirable contrast between France and England. The French Revolution had revised everything, and when the re-establishment was contemplated the public powers were constituted with the intention that they should limit and combat each other and be in relations of mutual distrust. The English doctrine is not based on antagonism and struggle, but upon the harmony and co-operation of all the powers.

This opinion of Pisanelli gradually begins to become more and more that of the Chamber of Deputies, just as science in Italy is to-day unanimous in holding that Parliament has the privilege of modifying the statute and that this system is preferable to the French method. The writer also believes that the contrast should be made with France rather than with the United States. Beneath its equilibrium of powers, that country has a large basis of institutional government derived from its English mother country, which protects it against any injuries which might come to it from the federal power, without its being in any way essential to maintain that the American Constitution, although enacted, represents exactly the result of a long social experience, or that the State constitutions adapted to the social conditions of the individual States constitute an efficient legal limitation of it.

In the Italian Parliament there have been manifestations of opinion contrary to the theory above expressed. They are not all equally authoritative and in explaining them it is necessary to bear in mind the occasions which gave rise to them. On the first of April, 1870, the deputy Salvatore Morelli debated a bill for the suppression of political oaths which he had himself introduced. The Prime Minister Lanza cited in opposition, its incompatibility with Article 49 of the constitution, and said among other things: "Whatever may be the opinion of each one of us on the privileges accorded to Parliament to discuss the statute, there can be no doubt that all the people, who have here the broadest elective representation admit that the fundamental statute by virtue of which

this representation exists, cannot be placed in question, except in extreme cases and through the medium of a constituent assembly." In this case the attack upon an important statutory provision, justified the response, borrowed by the way from the old Piedmontese ideas, which before many years had elapsed passed out of memory. On the eighth of June, 1870, in discussing some appropriations, the deputy Sonzogno digressed from his subject to demand a constituent assembly based on universal suffrage and to propose that it be placed on the calendar. But the Chamber which by its uproar and continual interruptions, had indicated its contrary opinion passed to the order of the day.

6. A little later Italy acquired the capital which geographically, socially and politically completed it. To regulate the position of the Pope in Rome the law became necessary which is known by the name of the pontifical guarantee.\*

This law which created a personal sovereignty novel in the history of political science was without doubt of a constituent nature, and hence Bonghi, who reported the bill to the Chamber of Deputies wrote in his report: "That a constituent power is perpetually active in the powers of the state, is better doctrine than that which claims that it must be called out every time with new force from the body of the people. The English doctrine and the practice based upon it of the implicit abrogation by means of laws which alter and change the constitutional conditions of the exercise of a right and its definition, is of greater utility than an explicit abrogation. Thus the constitution of a country becomes in fact the complex of its laws and becomes synonymous with the whole life of the people." In the debate on the law in the Chamber, on the second of January, 1871, Minghetti said, "the Chamber is aware that I have never shown an absolute repugnance to the idea of a modification of the statute. I believe for my part that when the three powers of the state

\* Translated in the note to Article 1 in the translation of the Italian Constitution, published by the Academy, p. 25.

are in accord, this reform, like every other, may be accomplished." The law was, moreover, voted under the auspices of the Lanza ministry which had expressed the opinion already noted in regard to the constituent assembly, incompatible with the facts embodied in the law of the pontifical guarantee.

This conception was authoritatively repeated in the Chamber in the discussion of the electoral law of 1882, which greatly enlarged the suffrage. In the session of July 23, 1881, Crispi said, "I do not admit the intangibility of the statute. Statutes are made to prevent governments from retrograding, not from advancing. Before us there can be nothing but progress. Intangible statutes cannot exist for many other reasons. If we retain immutable the fundamental law of the state, we desire immobility, and should throw aside all advances which have thus far been made by the constituted authorities. I understand that in the statute of Charles Albert nothing is said of revision, and this was prudent. But how should this silence be interpreted? It should be interpreted in the sense that it is not necessary according to the Italian Constitution that a constituent assembly should be expressly convoked, but that Parliament in its usual manner of operation is always constituent and constituted. Whenever public opinion has matured a reform, it is the duty of Parliament to accept it, even though the reform may bring with it the modification of an article of the statute." And Pisanelli, the Minister of the Interior, said in the same session, "The principle which, at the same time, is liberal and conservative, has become accepted among us that the constitution may be modified by the three constituted powers, without implicitly proclaiming the necessity of a constituent assembly by which with a strange contradiction we would desire to affirm the perfectibility of the legislative, and at the same time the immobility of the constitution. In countries where the constitutions do not prescribe a special method of revision, the British principle of the



omnipotence of Parliament is generally accepted, and it is inevitable that it should be so. This has occurred in states in which the constitution does not definitely prescribe a special method of revision, and it has occurred with us, when there have been innumerable modifications of the statute, so that we may say that such an interpretation is confirmed by the facts."

7. This scientific and parliamentary opinion to which I personally assent has not been associated with certain scientific manifestations in favor of the referendum, although such association would have been appropriate since laws of a constituent nature are those which give form and substance to the idea of popular sovereignty. The above mentioned tendency in Italy with respect to the constituent function, and the scanty following for the proposition of a referendum indicate that the direct participation in legislation is a fact far removed from Italian institutions, nor should this be surprising to Americans who have a direct participation not only in constitutional legislation, but also in ordinary law-making and in local option. Different institutions will arise with different social conditions. Italy, a young kingdom, yet inexperienced to freedom in all its lofty applications, progresses with its future assured, but has the misfortune to have been, a few years ago, infested by a blind and corrupt royal despotism, the traces of which cannot be readily eliminated. Of the North Americans it may be said that they do not know what despotism is, and no one marvels that liberty should attain among them the highest manifestations which are possible in the civil world. Italy has not yet eliminated from some, at least, of its institutions, such as the administration and the police, the despotic methods which tradition has bequeathed. Institutional self-government in America, which has traditions older than its adopted constitution, is far removed from our political and social conditions, and judgments must, of necessity, differ in the examination of constitutional usages.

The social and political conditions of Italy explain moreover the usage which has been emphasized of modifying the constitution by indirect methods, never directly attacking an article of the statute to abrogate it, modify it, or substitute another for it. The statute is, however, considered as something to be respected, something to be preserved, and hence there is some dread of touching it. On the other hand, as has been said, it cannot remain unchanged in all its particulars as it does not completely meet the needs of the country.

8. The Italian statute consists of three parts. One determines in general the principal rights and liberties referring, however, in the greater number of cases to particular laws. Another establishes certain definite rules or standards which do not require to be complemented, but are susceptible simply of modification, of addition or derogation.

A third part, which is the most delicate, sanctions a principle which in a representative government must be frequently applied to diverse cases, but of which one does not find, and cannot find, the various methods of application in written law.

From this division arise different consequences. Article 24 established the civil and political equality of citizens, referring to the laws for its application. Article 25 says that the citizens shall contribute indirectly in proportion to their possessions to the charges of the state. But it is the law which, in fixing the nature of the proportion gives a varied importance to the statutory provision, since it does not oppose the adoption of the progressive tax which by the way is improperly so-called, since it is an additional tax with a progressive character which the Giolitti ministry wished to propose. Articles 26, 27, 28, 29 and 32 refer to laws, yet if the limitation, the repression of abuses, the determination of the exercise of rights which the free man enjoys in all nations\* make up the substance and constitute the essence

\* That is the rights of assembly, of association, of the press, liberty of worship, the inviolability of the domicile, etc.

itself of liberty, it is not the statute but the laws, which secure political and civil equality, which guarantee more or less extensively according to the case, the various manifestations of individual liberty.

Articles 39, 40, 74, 75 and 76, relating to the electorate and eligibility, the communal and provincial institutions, the military levies, and the communal militia refer to laws, whence have issued an enormous mass of legislative precepts which Parliament has successively established, solely because the statute has called upon it to regulate so many different matters.\*

But all this relating to laws of a constituent nature does not concern the modifications made in the statute which are to be referred to the second and third parts in the division which we have made of the constitution.

9. Article 1, which has given rise to so much controversy, belongs to the second category. Note that it is here said that the Catholic, Apostolic Roman religion is the sole religion of the state; other existing beliefs being tolerated in conformity with the laws. The words are open enough to leave no room for doubt; none the less the opinions respecting it have been changed through the disagreement between the State and the Church, by means of laws which the State has deemed necessary to enact in relation to certain principles of liberty, or simply by social convenience and also by political interest.

In the discussion alluded to for the establishment of the Court of Accounts, Crispi, to give additional value to his

\* With respect to Article 76 it should be observed that many say that it has been violated, because the communal militia, which, according to French ideas, was embodied in the edict of March 4, 1848, which provides for this institution, does not correspond to the existing territorial militia which was established by the law of June 30, 1876. The communal militia of the State is a constitutional guaranty in the sense that it opposes to the armed force of the government an armed force of the citizens in the communes. The territorial militia is always an armed force of the government. The national guard was not, however, dispersed by the law of 1876; long before it had fallen into neglect, unable to resist a more homicidal weapon against men and institutions—ridicule. The law therefore only ordered a communal militia upon a different basis, after the citizens had in fact slighted the statutory guaranty in the form in which it had been given to them in the royal edict.

thesis, cited Article 1, saying that in the future it must be considered abrogated. The minister, Sella, replied that he did not believe the statute abrogated in anything, not even in Article 1. "It is the Clericals," he said, "who so often speak of that article as having been violated, but I am not able to believe that Crispi would make such a point." With an opportune interruption, Crispi signified to the minister that he was glad of an abrogation, but had not made a point of it.

Many times in the Chamber, particularly on the occasion of petitions which demanded the explicit repeal of Article 1, to which the Chamber has not wished to agree, this article has been discussed, and even a summary enumeration of what was said would occupy a large space. According to Chiaves, Minister of the Interior, in the session of March 24, 1866, Article 1 does not touch the liberty of conscience; that article merely saying that what the state may and will do should be done according to Catholic rites,—an admirable interpretation which is derived from the second part of the article, from the toleration of other cults. If Chiaves is scientifically correct that nothing in Article 1 interferes with the liberty of conscience, as that which belongs to the inner man can be neither guaranteed nor repressed since it is not given to penetrate into the thoughts of mankind, everything in Article 1 interferes with the liberty of worship, the constitutional guaranty of which is not sanctioned in the statute and which only later laws have recognized.

Lanza, president of the Council of Ministers, repeated the same idea in the session of March 8, 1872, if there should be any religious function at the occurrence of some national celebration it should be according to the ceremonies of the Catholic cult which is the general worship of the State.

This interpretation which minimizes the provisions of the article and is invented to evade the question, is not followed by science. In the acts of same parliament is to be found a document which accords with the opinion adopted by some

men of science, but which is not the more reasonable on that account. In a report of January 17, 1866, by the ministers, Scialoja and Borgatti, on the bill for the liquidation of the religious foundations it is said: "The Catholic religion is called that of the state in this article to indicate that it is professed by the great majority of Italian citizens. Any other interpretation is contrary to all reason, inasmuch as it does not belong to the lay power to impose beliefs and religious cults; and if this declaration was made with the intention of conferring special civil and political rights to those who profess a special religion, it would violate the law of equality apportioning all civil and political rights to all men without distinction, as citizens and not as professing a given religion."

But admitting the confusion between the people and the state which the article would create according to their interpretation, what these writers forget is that to be professed by a majority of the citizens does not lead to the conclusion that the Catholic religion should be *the sole* religion of the state. Conceding that the article does not involve special, civil and political rights to the Catholics, the sole logical interpretation, by the spirit and the letter, and by the legislation of the Sardinian States at the time the statute was promulgated is this: The statute denies the liberty of worship, tolerates within limits the existing cults, restricts the action of the state, prescribing that it shall not originate sovereign acts in opposition to the canonical laws of the Roman apostolic Catholic religion, to which it concedes a privileged position. The same statute in fact limits the liberty of the press, requiring the permission and recognizing the prohibition of the bishops for bibles, catechisms, liturgical books and books of prayers, which amounts to instituting a censorship in favor of the Catholic religion. The press edict of March 26, 1849, punishes offences against the religion of the state differently and more severely than those against permitted cults, conformably to the penal code which distinguishes

also infractions of the penal laws with reference to different cults.

To the ideas of the ministers, Scialoja and Borgatti, it might be further objected that the article is repugnant to the thought of modern times, but not to that of those in which it was promulgated. By a royal patent of February 17, 1848, Charles Albert had permitted the Waldensians to enjoy all the civil and political rights of other subjects, to frequent the schools in and outside of the universities, to obtain the highest academic degrees, but *for this reason to make no innovations in the exercise of their worship* and in the schools directed by them. The relation of this decree with the Articles 1 and 24 of the statute which soon followed it cannot be more manifest. The Waldensians did not, like the Israelites, enjoy the civil and political rights accorded to the Catholics. Some were conceded to them in the patent cited but their religion remained only tolerated. Others were granted in the decree of March 26, 1848, but *nothing which made an innovation in their worship* or the schools directed by them. But not enough ! The law of June 19, 1848, "wishing to remove any doubt as to the civil and political capacity of citizens who did not profess the Catholic religion," declares that, "difference of worship does not form an exception to the enjoyment of civil and political rights, and to eligibility to all civil and military positions." This was the first indirect reform of Article 1 of the statute.

To corroborate this which is the only rational interpretation of the article, it is sufficient to remember, that the churches and other places belonging to the Catholic institutions enjoyed immunity in the Sardinian state, that ecclesiastics enjoyed judicial privileges having special courts for civil and criminal processes--an immunity and privileges which the law of April 9, 1850, abolished, Parliament continuing to pursue a path which should distinguish the Church more and more from the State, and modify Article 1 as it came from the minds of the editors of the statute.

10. After this it will suffice to indicate the principal laws which are in opposition to Article 1.

The law of May 29, 1855, suppressed the religious orders which did not apply themselves to preaching, education or the care of the sick, the chapters of colleges with exception of those having the cure of souls or those existing in cities with a population of 20,000 inhabitants, and the simple benefices to which were attached no religious services and which were solely of advantage to the incumbent. It referred to the ordinary tribunals the ascertainment whether a benefice was comprised in the categories mentioned, and instituted the ecclesiastical treasury. Upon this law were modeled the decrees of December 11, 1860, for Umbria; January 3, 1861, for le Marche, and February 17, 1861, for Naples.

The law of August 10, 1862, ordered the valuation of the rural properties of the Church in Sicily, and by another law of the twenty-first of the same month and year, the properties which had devolved on the ecclesiastical treasury passed into the domain of the state, which paid them in so much rents to be inscribed in the name of the treasury.

But that which most directly opposes the provisions of Article 1, is civil marriage, sanctioned by the civil code, which does not demand nor recognize religious matrimony, and permits any person however related ecclesiastically to contract civil matrimony.

The bill for a divorce has not been taken up, though it has been repeatedly presented to the Chamber of Deputies, by way of parliamentary initiative by Villa, who, though he has been Minister of Justice, is no more able to overcome the resistance of public opinion, which is in a large measure Catholic, than that of Parliament. He has not been able in leading the small number of different religion or atheists to make headway against the enormous majority.

Another proposition which caused much excitement in the last parliamentary session would also imply a modification

of Article 1, namely, the obligatory precedence of civil matrimony over the religious, which is reputed to be a great conquest for liberty, but which would not in truth be so. Church and State pursue their respective ways freely and independently, the latter not recognizing the marriage tie contracted according to the rules of the confession to which the persons belong, has done all in its power; any other step would limit the liberty of the Church and the individual in a reprehensible manner. This project, so far from being a step in the direction of liberty as divorce would be, is a step which accentuates the conflict between Church and State which by the acquisition of Rome by Italy has assumed an acute phase, and it is on incontestable principles that laws of conflict of resistance and also of defence are illiberal laws.\*

The civil code was followed by the laws of suppression of July 7, 1866, and August 15, 1867. By the first the corporations, the congregations, the conservatories which established life in common and which had an ecclesiastical character, were abolished as legal persons; the ecclesiastical property was converted into public rents, the appropriations for religious purposes were substituted for the ecclesiastical treasury. By the second the suppression was extended to religious foundations with a reversion of the same to the public domain or to the founders or to their patrons, including all the corporations for purposes of worship except the

\* It is worth while to recall the comparative legislation. In Germany the dispositions in question are derived from a condition of conflict with the Catholic Church, though it is true that marriages in extremes not permitted by the Protestant religion are not excluded from punishment. In France the dispositions are derived from a concordat, *i. e.*, from the reciprocal assent of the State and the Church. In Belgium when the French penal legislation had been in full vigor, its abolition did not give good results, and it was re-established as concerns these parts. With Portugal and some of the cantons of Switzerland it would hardly be profitable to concern ourselves.

Certainly the state has the right to prevent abuses when they are grave and numerous, justifying this restriction of liberty by the political and social necessity, but in Italy there is no such necessity. The great majority of the clergy do not admit to ecclesiastical marriage unless the civil marriage has been consummated, except in cases which are worthy of a certain consideration. When it is not indispensable there exists no reason for the intervention of the state.



Episcopal Sees, the Chapters, the cathedral and metropolitan churches, the seminaries, the parochial benefices and curacies. The State thus acquired thirty per cent of the entire patrimony of the Church. But not enough, the law of August 11, 1870, suppressed in the cathedrals the canons in excess of twelve in number and in other benefices the chaplains in excess of six, and ordered the conversion of the real property of the ecclesiastical administration.

It is unnecessary to reproduce the law of pontifical guarantee already cited: it will suffice to add that the special law promised in Article 18, to provide for the reorganization, the preservation and administration of church property in the kingdom, has up to the present time not been enacted. But the laws of June 19, 1873, those of July 7, 1866, and August 15, 1867, considered above, were applied to the province of Rome, with some more favorable modifications and exceptions in harmony with the ideas expressed in the law of the guarantee.

The movement toward the liberty of religion and the separation of the Church from the State has not stopped at this point in Italy. The law of June 7, 1875, abolished the absolute exemption of the ecclesiastics from the military conscription. On the thirtieth of June, 1876, appeared the law which modifies the formula of oaths in civil and criminal trials, which till that time had been based on Catholic beliefs.

In the year 1887, two laws modified the exceptional dispositions favorable to the city and province of Rome. That of June 9, without prejudicing the law of 1873, authorized the appropriation from the special fund of the charity and religion from the church property of Rome, the annual sum of 120,000 francs as a contribution to the payment of the interest and amortization of the loan made by the Savings Bank of Milan to the city and province of Rome for the re-establishment of the charitable institution of S. Spirito at Rome. The other law of July 14 entrusted to the general

public debt office, the administration of the special fund for purposes of charity and religion in the city of Rome, constituted in virtue of the law of 1873, and ordered the completion of the operations for the liquidation of ecclesiastical property in the province of Rome.

Finally the charities law of July 17, 1890, ordered the concentration in the council of charity of the eleemosynary institutions of the public institutions of beneficence with an income not exceeding 5000 francs, and other like institutions; gave to the council of charity the administration of the funds of other charitable institutions except those which serve to supplement and complete other forms of benevolence exercised by institutions not subjected to the concentration, established purposes more secular and more adapted to the times to devote to them the revenues formerly destined for eleemosynary purposes; ordered in favor of the present and permanent interests of benevolence, the transformation of institutions, which had come to fail of their purpose, or of which the purpose no longer corresponded to the interests of public benevolence, and those of which the purpose was already amply and permanently provided for in another way.

After this summary exposition of the most notable provisions of the principal laws which have radically modified Article 1 of the statute, one should recall that the new penal code of Italy has suppressed any distinction between forms of worship, which had remained in the Sardinian code despite the modifications which had been made. The various cults are no longer distinguished but are spoken of collectively as cults permitted in the state—among which the old Catholic cults are also admitted—which implies neither tolerance nor suppression of liberty since every cult is free with the simple limitation, that it shall conform to the social conditions, shall not alter the social institutions, nor disturb the moral order.

11. The Article 18\* of the statute has also been modified

\* Gives to the King exercise of civil power in matters pertaining to ecclesiastical benefices.

by the repeatedly mentioned law of guarantee, and has been enlarged by the law of the Council of State, according to which the approval of that body must be obtained in the execution of the ecclesiastical provisions of all kinds, and the fourth section pronounces also on the merits of the assumption of the temporality of the provisions concerning the attribution of civil and ecclesiastical custody respectively, and of the provisional acts of general security relative to this matter.

The last sentence of Article 28, which is to be understood as embodied in the last paragraph of Article 2 of the law of guarantee, has also fallen into disuse.\*

12. The laws which have carried out Articles 19, 20 and 21 † of the statute we shall not recall: since they treat of minor questions which have no special constituent importance, and since from our point of view these articles do not belong to any of these categories into which we have believed it admissible to divide the statutory provisions. This reference to laws does not as we have already discussed imply that the real guarantee consists of the laws; the Articles 19, 20 and 21 give the principles which are not altered in their embodiment in laws, whereas in the other cases, it is from the laws themselves that the principles are derived.

Nor is there any need of a long explanation of the fact that the first sentence of Article 19 has been derogated many times since this article is included in our second category. The reasons for this disregard are evident; and it is equally evident that the statute has been modified. By the law of March 16, 1850, the dotation of the crown in the reign of Victor Emmanuel was determined; by the laws of March 16, 1860, August 10, 1862, February 5, 1868, May 21, 1876, May 31, 1877, the dotation of the crown during the same reign was modified, augmenting or diminishing according to various circumstances—enlargement of territory or financial conditions—which gave rise to these laws.

\* Approval of bishops for liturgical books, etc.

† Civil list of Crown, private property of the same and civil list of heir apparent.

13. Much more important is the modification which the Articles 53 and 54\* of the statute have experienced, whether we consider the substance of the matter or the manner in which it has been done which involves the formal constitutionality of the laws in Italy.

The Article 54 however has been disregarded only in an indirect way, inasmuch as the deliberations always have provided for the majority of the votes, but if the quorum is not constituted of one half the members who compose the Chamber and one additional member as the statute provides in Article 53, the minimum demanded by the statute for the passage of a law is of necessity reduced.

It is intended that among the members composing the Chamber of Deputies, there should not be included the vacant seats, nor the seats of districts which have elected a person elected simultaneously for other districts, nor the members elect who have not taken the oath of office, but only those who are legally admitted to the Chamber on the day when the quorum is to be determined, such being the precise provision of the statute. The majority of the members is not the majority of those necessary to complete it, but of those who actually constitute it. The demonstration becomes superfluous if we bear in mind that Article 53 speaks with the same phrase of the Senate, where the number of members by the same statute is not limited, and where by the same statute the appointments must be certified. Nor may a Senator be admitted to the exercise of his functions until he has taken the oath of office. Only those senators who are in the exercise of their functions can be counted as senators in the determination of a quorum.

Some of these conclusions which must be scientifically admitted as the basis of the letter and spirit of the statute, were adopted by the Chamber of Deputies of the Sub-Alpine Parliament on December 20, 1849, and November 12, 1850, after having been discussed somewhat at length in the

\* Mode of passing bills and quorum.

sessions of December 23, 1848, February 3, 4 and 6, 1849. But the subtraction of the vacant seats and the multiple elections from the total number of 204 deputies, who then formed the chamber, was often not enough to obtain a quorum. Hence Deputy Broglio proposed for the first time to exclude from the computation, deputies absent on leave, deputies whose election had not been confirmed, or who had not taken the oath of office, a proposition which was withdrawn before an attack by D'Ondes-Reggio, as it appeared to savor of constituent power.

In the session of March 1, 1863, in voting the rules of the Chamber, it was determined that the deputies in regular leave of absence should not be computed in the quorum. On that occasion the reporter, Boncompagni, said that the rules could not prescribe nor could the statute require that these provisions be carried out without taking into account the insuperable obstacles which might prevent a number of members sometimes quite considerable from taking part in the labors of the Chamber. Being moreover supported by the authoritative example of the Senate, the proposition was adopted as we have said.

On February 19, 1864, a proposal which had no further consequences, was read by the deputies, Crispi and Petruccelli, according to which the quorum should be reduced to one-fifth of the actual members of the Chamber, except for voting the budget and new taxes which should fall under the provisions of Article 53 of the statute.

In the rules of 1868 those absent in the service of the Chamber are put on the same footing as those on leave of absence, and to-day the quorum is determined in this way, while in the Senate besides those on leave of absence, senators who are prevented by causes independent of their own volition from being present are not counted. In view of the advanced age of the greater number of them, the quorum is thus excessively reduced.

Thus by way of internal regulation, the two chambers,

after separate and distinct deliberations, have profoundly modified by direct action an article of the statute.

The provision of Article 55 of the statute, so far as it relates to the preliminary examination of proposed laws, has had additions and amplifications from the rules of the two assemblies, without any substantial modification.

Thus by its rules, the Chamber of Deputies has added to the methods of voting prescribed in Article 63 of the statute,\* that by the call of the roll.

14. The Article 33 requires that senators shall have completed forty years of age, but at the close of its first session, the Senate admitted Senator Cataldi, who had not attained the age prescribed, though it did not permit him to vote, but only to take part in debate. The same has since been done in the cases of eleven other Senators.

This does not of course directly conflict with the statute, but it constitutes an interpretation of the article made by supplementing the article by the power of a single chamber distinct from the other, which has consistently annulled the elections of all who upon the day of election had not completed the thirty years required.

15. The committees of Pica and Crispi of August 15, 1863, and May 17, 1866, and the extraordinary military tribunals imposed upon the legislative power by abnormal conditions of the public safety, suspended temporarily the Article 71 of the statute, not in that it prohibits the taking of individuals from their ordinary legal jurisdiction which would have been the case in exceptional laws, but in that it prohibits the creation of extraordinary tribunals and commissions.

More serious, however, is the repeated provisional breach with the establishment of the martial law of Article 6, which prohibits the king without exceptional cause to suspend the laws or dispense from their observance. Five times such an occasion has arisen, for Genoa in 1849, Sassari in 1852, for

\* Provides for rising, division and secret ballot.

Naples and the Neapolitan and Sicilian provinces in 1862, for Palermo in 1886, for Sicily and Lunigiana in 1894.

Excluding 1866 because the government had complete power from the legislative branch, where it might be deemed that the suspension of constitutional guarantees had the force of law—in all the other cases in which the government has proclaimed martial law, it must be considered in the sense of a partial suspension of the constitution, not, however, in the Anglo-American sense of the simple repression of a sedition by armed force, but in the French sense of a state of siege. Certainly the government has in cases of necessity the right and the duty to defend itself. But in all the cases mentioned, this necessity was not self-evident, nor is it admissible to proclaim military tribunals, which occurred for the first time in 1894, tribunals which arrogated to themselves the power to judge of facts anterior to their establishment, though connected with the facts which provoked the declaration of martial law. The Supreme Court in criminal matters in Italy has, however, justified this theory. Parliament has not felt it necessary to pass a bill of indemnity, which the government in the other cases has disdainfully refused, saying that it had applied the law.

The law is said to be found in the military penal code which permits the proclamation of a state of siege in the case of invasion by a hostile army. But how can, as a restriction of liberty, the invasion of a hostile army furnish an analogy in the case of internal sedition? And yet this has been allowed in Italy, and with the authority of the Chamber of Deputies and the judicial power.

16. The law of December 30, 1882, on the oaths of deputies, gives an interpretation and an amplification to the Article 49 of the statute, declaring invalid the election of deputies who refuse, pure and simple, to take the oath of office, or who do not take it within a period of two months after the confirmation of their election, except in case of a legitimate impediment. It may truly be said that

those who have power to interpret have indeed power to modify.

17. The law of December 6, 1865, upon the organization of the judiciary, is supposed to have embodied in Articles 199-212 the immovability of the magistracy which is recognized in Article 69 of the statute without referring to a special law. But the needs of the service place judges who are theoretically immovable, at the discretion of the ministry, and this renders illusory the constitutional provisions, though furnishing certain guarantees in regard to their absolute retirement and removal from office.

But it certainly does not suffice merely to maintain them in office; for, so long as the executive power can transfer a magistrate from Pachino to Susa, promote him and decorate him, entrust honorable and lucrative charges to him, and vice-versa can leave him for his natural life in any position whatever in the same grade and without honors or duties; the magistracy is not to be considered constitutionally immovable and much less independent. Yet the magistracy in Italy is superior to the position created for it morally and financially; many facts could be cited, which redound to the honor of the Italian judges, but, on the other hand, some few facts perhaps explicable by the constitutional law in the matters which are worthy of censure.

It has often been contemplated to establish seriously the immovability of the magistracy, but free government is too recent for such efforts to have gained sufficient importance and weight to attain their end. It was contemplated by the ministers, Villa and Pessina, who, in decrees of January 4 and 27, 1880, and December 14, 1884, instituted a consulting commission for the promotion, the nomination and payment of magistrates. Parliament has often thought of it without making any radical law.

As we have said, free government is too recent for the traditions of absolutism to be removed from everything. Many still think in Italy that the judiciary is not an autonomous



power, but simply a dependence of the executive like the administration, and the belief is widely spread also among men of science. They had efficient interpreters in the commission to edit the new penal code, where it is said that powers of the state are two only, the legislative and the executive. The statute also does not speak of a judicial power, but of a judicial organization.

18. To the last part of the statute, to that we may remember, which sanctions the principles by which the form of government is determined belong Articles 2,\* 5,† 65‡ and others which it is not necessary to point out. These articles have been modified and even contradicted by constitutional practice and usages.

The state is in law a representative monarchical government, which to-day with the development which it has had may be called parliamentary. The executive power does not belong to the king alone, as Article 5 of the statute would have it, but the king participates in the executive with the cabinet system. The king is the chief of the state, the president of the ministry is chief of the executive.

This notion of the government is eliminated moreover from Article 65 which Italian practice has not respected. The letter with its externals remains, since the king issues decrees appointing and removing ministers, but the spirit is not that which follows from the statute as it is the Chamber of Deputies which by its votes determines the appointment and removal of ministers.

19. But in addition to all the constitutional laws and usages which form integral parts of the parliamentary institutions, there exist in laws, in decrees, and in practice many provisions which in the most restricted significance are of a constituent character.

Article 8 of the statute says merely that the king may

\* Declares the state a representative monarchical government.

† Establishes power of the King.

‡ "The King appoints and dismisses his ministers."

grant pardons and commute sentences. The penal code and the law of penal procedure give to the king the prerogative of amnesty and of pardon, determining its purpose, its methods and its effects.

Article 32 speaks only of the right of assemblage. Various habits without a law, which would be difficult and perhaps objectionable, recognize in Italy the right of association.

Of the right of perquisition the statute is silent, but the Parliament has recognized it under the head of examination of the public service, the social activities and personal responsibility of deputies, senators and ministers.

20. Besides all this movement of legislation and custom, the reform of the composition of the Senate has been agitated. This movement originating in the field of science has penetrated the superior chamber itself which from time to time has occupied itself with the question unofficially.

The present prime minister, Crispi, is known to be favorable to the reform of the Senate, since during his previous ministry, the studies which were made in the Senate itself, had had a noticeable increase, although it is to be remembered that the Senate and Crispi himself halted before the difficulty of choosing a different composition for the upper Chamber.

The first explicit indication of a desire to reform the Senate was given in the session of March 31, 1886, by a declaration of Prime Minister Depretis in replying to Senator Alvisi. Before that time Senator Lampertico, reporting the bill for the modification of the electoral policy, which became law in 1882, spoke in a general way of the superior influence which the Chamber of Deputies had acquired, and between the lines under these circumstances touched upon the possibility of a different composition of the Senate.

On the ninth of April, 1886, occurred an assembly of senators to study this serious problem. Out of it grew a commission of six members which reported to the Senate in secret committee in July, 1887.

Crispi fell in 1891 and the movement was everywhere arrested, having again risen to power a year later the matter is again considered. Propositions have been made indirectly in the Senate, but they have no great following. According to rumor it is not wished to modify the statute directly but to make the choice fall upon persons belonging to twenty-one categories proposed for the body, in Article 33 from which should be drawn a number three times the number of Senators to be named, from which the Crown should select the names.

It is evidently no solution. Without a modification of the statute we shall never have in Italy an upper chamber of greater influence and importance than the present.

21. From the foregoing exposition the following inferences are evident : that the Italian Constitution no longer consists of the statute of Charles Albert, that this forms simply the beginning of a new order of things, that many institutions have been transformed by laws, decrees, usages and neglect, by which the Italian Constitution has become cumulative, consisting of an organism of law grouped about a primary kernel which is the statute.

Nor has the movement been arrested. Constitutional laws are proposed nearly every moment, for example, the indemnification of deputies, and it is worthy of commendation that Parliament proceeds slowly and cautiously in such reforms. But it is not venturesome to say that the reforms will be continued, that the evolution toward a greater perfection will be continuous and permanent in the Italian Constitution, which by the attitude of the people, by the absence of exaggeration and by their love of liberty, is destined for a glorious future.

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## REPRESENTATION IN NEW ENGLAND LEGISLATURES.

Three clauses in the federal constitution raise to the dignity of national interest and importance anything affecting representation in the State legislatures. It is only persons duly qualified for electors of the more numerous branch of the legislature in each State who are, by virtue of that fact, entitled to vote in federal elections; it is the State legislatures that elect federal senators; and, again, it is these same assemblies that determine the method by which presidential electors shall be chosen. A comprehensive study of representation in all the State legislatures would throw light on important lines of our institutional development. Differences of political temper and habit would force themselves into view. The anomalous variety in the suffrage by which congress is elected, the striking differences among the bodies by which federal senators are chosen would stand revealed.

A study of so small and so homogeneous a group of States as New England must sacrifice much of this national interest which would attach to an investigation of the broader field. It may, however, retain a clearness of definition, together with a minuteness which would be quite impossible were it attempted to bring the forty-four State legislatures at once beneath the glass.

I. Who are represented? Or, rather, who may vote for members of the legislatures?

It is a conservative answer which New England gives to this question. In all six of the States there is unanimity in confining the suffrage for State representatives, and hence for congressmen, to males, at least twenty-one years of age, who are citizens of the United States by birth or by naturalization. There are excluded criminals, persons under

guardianship and paupers. Needy soldiers and sailors of the late war, however, are not disfranchised, and New Hampshire withholds the ballot from no man as a pauper unless he has received public relief within the ninety days immediately preceding the election; even he may vote if, before appearing at the polls, he tenders to the proper officer a return of the aid received.

Formal property qualifications for the legislative suffrage no longer exist in any of the New England States. Rhode Island swept away the last of these only seven years ago. The payment of a poll-tax as a pre-requisite for voting has also fallen into disfavor. In Massachusetts it has been abolished. In New Hampshire persons excused at their own request from the payment of their tax may not vote, unless they first make a tender of the amount of the tax—a provision which certainly does not discourage corruption at the polls.

As to residence qualifications Maine is most lenient, insisting only on a three months' previous residence in the town where the man wishes to vote. New Hampshire doubles this term. In addition to this six months of local residence all the other states insist on a longer term of probation within the commonwealth. Rhode Island is the most exacting in this respect; no man is qualified to vote for representative until he has breathed the air of Narragansett Bay for at least two years.

Of the four States in the Union which have adopted an educational qualification for the suffrage, three are in New England. In the middle of the century Massachusetts and Connecticut set a worthy example by requiring the candidate for registration to prove his ability to read the English language and to write his own name. Two years ago Maine adopted a similar qualification. Recent legislation has aimed to make this test more effective, and to prevent the possibility of collusion, but none of these states has yet added the Mississippi refinement of requiring the would-be

voter to interpret the constitution to the satisfaction of the registrar.

## II. Who are the legislators?

Turning from the electors to the bodies which represent them, we find six bicameral legislatures, differing widely in relative numbers, in qualifications, in personnel and in the basis of representation on which they are chosen. In all but Massachusetts and Rhode Island the sessions are biennial, and in both of these conservative States constitutional amendments are now pending, abolishing the annual session in favor of the biennial.

The table on the next page presents some of the points of difference among the legislatures.

Large as is the immigrant population in some of the New England States, very few of alien birth have found their way into the legislatures. In almost every case at least three-fourths of the members are natives of the States where they now reside. In Maine, thirty-five per cent of the members in each house were born in the towns which they now represent.

Agriculture claims more of the members than any other calling, a fact which, together with a tender solicitude for the farmer's vote, explains much recent legislation. In New Hampshire it is reported that all matters pertaining to agriculture, before being voted upon in the legislature, received a preliminary consideration in a farmers' council, made up of the hundred farmers in both branches of the legislature. The large proportion of farmers in the Connecticut assembly is explained by the peculiar basis of representation to which that State still clings.

In Massachusetts and Rhode Island the mercantile and manufacturing interests have a considerable representation. The Massachusetts house is remarkable for quite an unusual number of journalists, and for the very large proportion of lawyers, one in every six.

In regard to the legislator's education the sources of infor-

NEW ENGLAND LEGISLATURES.

	Number of Members.	Compensation.†	Qualifications of Members.	POLITICS.			BIRTHPLACE.			OCCUPATION.				EDUCATION.		
				Republican.	Democratic.	Others.	Own State.	New England States. <sup>‡</sup>	Abroad.	Farmers.	Lawyers.	Merchants.	Manufacturers.	Academic.	College.	
Maine 661,086*	{ Senate, House,	31 151	\$150. 150.	Age 25, 5 years citizen of U. S., 1 year resident in Me. 5 years citizen of U. S.	31 146	0 5	0 0	26 147	3 2	2 2	10 46	6 14	3 17	2 8	11 39	7 15
	{ Senate, House,	24 363	\$200. 200.	Age 30, 7 years resident in N. H., 2 years resident in N. H.	21 264	3 99	0 0	19 323	5 34	0 6	9 97	3 17	27 17	1 2	9 7	7 22
New Hampshire, 376,530	{ Senate, House,	30 241	\$3 a day. 3 a day.	Age 30, freeman of his Co. 2 years resident in Vt., 1 year resident in his town.	30 228	0 11	0 21	26 215	3 19	1 7	10 142	7 12	1 21	3 11	18 101	8 20
	{ Senate, House,	40 249	\$750. 750.	5 years resident in Mass., inhabitant of district. 1 year resident in his district.	36 191	4 44	0 52	30 137	10 38	0 11	1 16	10 39	11 48	3 37	5 45	16 44
Massachusetts, 2,238,943	{ Senate, House,	37 72	\$1 a day. 1 a day.	Same as of electors. Same as of electors.	35 69	2 3	0 0	27 42	8 20	2 8	10 6	4 6	5 19	6 19	9 20	5 12
	{ Senate, House,	24 252	\$300. 300.	1 year resident in district. 1 year resident in town.	23 205	1 46	0 1	21 199	3 42	0 9	5 88	3 14	2 26	8 28	8 28	12 28

mation are unofficial, and are both incomplete and inaccurate. There is some unanimity as to what constitutes a collegiate education, but "academic" is altogether too elastic a term. It is a valueless distinction to dignify the education received at an endowed school as "academic" in contrast with a "public school education," obtained in a high school of the same grade.

In all of the States it is considered an essential qualification that the member be an actual resident of the town or district which he represents; none but "the member from Pompey" can know the needs of Pompey well enough to participate intelligently in State legislation. In this respect Massachusetts at least has abandoned colonial precedents. In the early days men of Boston and Salem often used to stand for more remote constituencies. But to-day the requirement of local residence has found its way into most of the constitutions. Thus the New Hampshire representative who ceases to be "an inhabitant of the town, parish or place he may be chosen to represent," from that moment ceases *ipso facto* to be a member of the law-making body. Even in the absence of statutory requirement, custom insists rigidly on the legislator's residence within his constituency. Rhode Island, however, prohibits the division of any town or city into districts for the choice of representatives.

### III. What is the basis of representation?

"*Vox Populi* may be *Vox Dei*," says Sir Henry Maine, "but very little attention shows that there never has been any agreement as to what *Vox* means or as to what *Populus* means. Is the voice of the people the voice which speaks through *scrutin d'arrondissement* or through *scrutin de liste*, by *plébiscite* or by tumultuary assembly?"

In New England how was *Vox Populi* to translate itself into *Vox Dei*? On one point our forefathers were agreed: it must be through representation. Was not that the very thing for which they had been fighting? Moreover, that representation ought so far as possible to be *equal*; so said



the constitutions. But in what does this equality consist? Does it require that the voice of the minority should be heard? This was answered unhesitatingly in the negative. Does equality mean the same number of representatives from each district, each town? Or, regardless of the boundaries of political units, does it mean one representative for a certain quota of inhabitants? or for a certain quota of voters? On these questions opinion was divided, and has so remained. Here are twelve legislative bodies. (*a.*) In five of the senates representation is by counties or by districts regardless of county lines. In all of these some attempt is made to proportion representation to population or to voting strength. Rhode Island is the only one of the six States that bases senatorial representation on the town, without regard to population. (*b.*) In two of the houses it is the towns as political units that are represented, each having the same number. (*c.*) In three, towns are represented, but with more or less elaborate and workable devices for securing a degree of proportionality to population. (*d.*) In one, representation is in proportion to the number of legal voters, towns as such having no minimum representation.

It was the organization of a New England legislature that in 1787 suggested the compromise whereby the interests of the large and small States were harmonized by the constitutional provision for a bicameral congress, each house resting on a different basis. In the New England assemblies to-day it is the rule that one chamber—now the house, now the senate—represents political units, while the other represents population. The only exception is in Massachusetts, where for both chambers the same basis of representation has been chosen, and carried out with the least practicable interference from town boundary lines. In both house and senate it is not towns or counties, not “inhabitants” or population, but legal voters that are represented. After each State census the commonwealth is divided into representative and senatorial districts, each of which shall contain as

nearly as possible the proper quota of legal voters. Towns or wards of cities may not be divided, but may be combined in making up a district. The representation which a county receives depends entirely upon its voting strength. There is no maximum or minimum fixed by law. Thus Suffolk county sends nine senators, while Barnstable, Dukes and Nantucket counties constitute the "Cape district," and send but one senator to Boston.

Maine, New Hampshire and Vermont, as well as Massachusetts, provide for periodic reapportionments of the senators among counties or districts conforming to county lines, in proportion to population. Vermont insists that each county must have at least one senator. The New Hampshire constitution, while declaring that the senatorial districts shall be as nearly equal as possible, directs the apportioners to "govern themselves in the proportion of the direct taxes paid by the said districts." Connecticut admits the principle of proportionality to population, but with so large a minimum guaranteed to each county as to make it practically inoperative. Since each of the eight must have at least two senators out of the twenty-four it results that Tolland county, made up of sparsely settled farming townships, with a total population of 25,081, has 8.3 per cent of the representation in the senate, although its population is only 3.3 per cent of that of the State, while New Haven county, containing 30 per cent of the population of the State, elects but 16.6 per cent of the senators; in other words, with a population nine times that of Tolland county, New Haven county can have only twice as many members in the upper house.

But in senatorial representation it is Rhode Island that does the greatest violence to the spirit of equality, while clinging to its letter. As in the federal senate, so here is found the same representation for each political unit, for each town, whatever its population. As a result in the Rhode Island senate Jamestown with 707 inhabitants stands

the proud peer of Providence with a population of 132,146. New York and Nevada are not more unequally mated at Washington.

In the lower houses the idea that each town should have at least one representative finds wider acceptance. Even in Massachusetts where representation is periodically reapportioned among districts according to voting population, custom with the force of law determines that there shall be rotation within the district so that each town shall have its turn in sending as representative one of its own residents once in every few years.

At each reapportionment in Maine one representative is given to each town, or district formed by the union of several small towns. In accordance with a complicated ratio of increase prescribed by the constitution additional representatives are apportioned among the larger towns. The representation advances, however, at a slower rate than the population, so that a town of 26,250 inhabitants has but seven representatives, and this is the maximum.

New Hampshire takes the people into her councils to the extent of giving one representative to every town or ward of a city having 600 inhabitants, making 1200 the "common difference" for each member added to the town's delegation. This gives the State, with a population one-sixth smaller than that of Boston, a house of representatives larger by over a hundred than that of any other State, larger by seven than the lower house in Congress!

Rhode Island safeguards the interests of the towns by giving to each at least one representative. As the membership of the house is limited to seventy-two, this leaves a margin of thirty-five members to be apportioned among the towns according to population, but no town or city may have more than twelve. Thus Providence can have but one-sixth of the house membership, although containing already nearly two-fifths of the entire population of the State.

Vermont is the only State to insist upon absolute equality of representation in the house for all political units. To each of her 243 towns is given the choice of one member. Burlington, with a population of 14,590, Rutland with 11,760, Somerset with 61, and Baltimore with 64 are all of the same height in the house. Two little towns are now without representation; party dissensions prevented an election.

In matters of constitutional law Connecticut delights in the antique. Retaining her old charter as the fundamental law for forty years after the separation from England, it was not until 1818 that she framed a constitution for herself. So far as representation was concerned its theory was, "the thing that hath been, it is that which shall be." The number of representatives from each town was forever to remain the same as at that date. Any new town that might be incorporated, however, was to receive but one, while the towns from which it was made were not to have their representative diminished without their own consent. An amendment added twenty years ago allows two members, the maximum representation, to any town of 5000 and over, even if it does not date from the most ancient times; but it guarantees to all other towns the representation which they then had. Two years later it was provided that thereafter a new town should be deemed to be merely an election district of the town from which the greater part of its territory is taken, until each should contain at least 2500 inhabitants.

In the face of most urgent and persistent agitation for representation based on *some* principle, and in utter disregard of the revolution which eighty years have made in the localization of her population, Connecticut still continues this Pickwickian "equality." Its equity may be seen by comparing the relative changes in the population of half a dozen towns during the decade preceding the last census:

	1880	1890
New Haven . . . . .	62,882	86,045
Hartford . . . . .	45,551	53,230
Bridgeport . . . . .	29,148	48,866
Hartland . . . . .	643	565
Killingworth . . . . .	748	582
Union . . . . .	539	431

To the general assembly each of these towns sends exactly the same number of members for the simple and sufficient reason that in the year 1818 each sent two. In New Haven the ratio of representation five years ago was 1:43,022 inhabitants. As her peer in the house stood Union with a ratio of 1:215. The three principal cities of the State, containing more than one-fourth of its entire population, more than one-third of its taxable wealth, elected *six* representatives out of 251. But even these figures do not give a full measure of the "equality" of Connecticut representation. The growth of cities in that State has been hardly more striking than the falling off in population in the old country towns. While conservatism, interested partisanship and the class feeling of the rural population resist all attempts to revise the antiquated constitution of 1818, natural causes are bringing the State government under a tyranny of "the deserted village" that becomes even more oppressive and odious. Pure-minded men of all parties deplore the prevalence of corruption among the voters of Connecticut. But it is not an independent phenomenon. The anomalous system of representation makes all "the external conditions for virtue" of the weakest. So long as the securing of a majority in a town of eighty and in a city of 20,000 voters brings the same political advantage, it need cause no surprise that elections in the country towns are close. It is here that the real campaign is fought. Moral suasion takes various forms. Matter-of-fact Rumor names \$14.00 as the regular price of votes in one of the aforesaid towns.

Were it possible to frame *de novo* a system of representation for the Connecticut of to-day, no one would dream of

allowing any group of 500 inhabitants to send two delegates to the general assembly. But so firm is the alliance between the interests of party and of the country towns, jealous of their ancestral representation, that the champions of reform dare advocate nothing so radical as the diminishing of any town's present quota. It is palliatives, new patches upon old garments, that they urge. There is now pending in the Connecticut house a bill introduced by a New Haven member, which provides that "each town of 15,000 shall be entitled to three representatives and another representative for each 5000 additional population." Were it possible for this bill to pass it would introduce some elasticity into the system; for example, it would raise the representation of New Haven from two to twenty, and make provision for the future expansion of cities. But such a measure would make the legislative body bunglingly large; its immediate effect would be to raise the membership to 300, and a decade or two would make the house more unwieldy than that of New Hampshire. Moreover this bill does not touch one fundamental injustice: while it makes the city ratio of representation 1 : 5,000 it leaves to the ghosts of ancient towns so preposterous a ratio as 1 : 200.

IV. To what extent does each State's system of representation make the political complexion of the legislature vary from that of the body of the voters?

State parties are practically unknown. For reasons too familiar to need enumeration here, nine voters out of ten in a State election cast their ballots in unquestioning allegiance to parties based on tariff and currency issues. However scholars may criticise such political action as unreasoning and disastrous to the best interests of State government, it is hard to deny the justice of the voters' claim that the representative body should reflect their expressed will, with the least possible distortion from the media through which it passes. That there must be a certain "tolerance," no one will deny. To what extent the actual divergence is due to

district voting, is a question that cannot be answered with exactness. Statistics giving the total vote for all candidates of the several parties are obtainable from only a few of the States. Something of an approximation may be reached by comparing party strength as found in the legislative bodies, and as expressed in the votes for the governors chosen at the same elections. It must of course be borne in mind that the State elections last November were by no means typical; that an individual candidate, whether for governor or for law-maker, may run far ahead of, or behind his ticket; and that the minor political parties put forward no candidates for the general assembly in many constituencies where their gubernatorial candidates polled considerable votes. But after every allowance of this kind has been made the results of the comparison are striking.

State.	Party.	Percentage of Vote for Governor.	Percentage in Senate.	Percentage in House.
Maine.	Republican .	64.3	100.	96.7
	Democrat . .	28.3	0	3.3
	Prohibition .	2.5	0	0
	People's . . .	4.9	0	0
New Hampshire.	Republican .	56.0	87.5	72.7
	Democrat . .	40.9	12.5	27.3
	Prohibition .	2.1	0	0
Vermont.	Republican .	73.5	100.	94.6
	Democrat . .	24.4	0	4.6
	People's . . .	1.3	0	0.4
	Prohibition .	0.8	0	0.4
Massa- chusetts.	Republican .	56.5	90.	81.3
	Democrat . .	36.9	10.	18.7
	People's . . .	2.7	0	0*
	Prohibition .	3.0	0	0
	Labor . . . .	0.9	0	0
Rhode Island.	Republican .	53.1	94.6	95.8
	Democrat . .	41.3	5.4	4.2
	Prohibition .	4.1	0	0
	Labor . . . .	1.1	0	0
Connecticut.	Republican .	53.5	91.7	81.3
	Democrat . .	43.3	8.3	18.3
	Prohibition .	1.5	0	0
	People's . . .	1.3	0	0.4

\* No candidate was elected by a minor party unaided. Fusion candidates are here credited to the major party by whose aid they were elected.

V. To what extent do the representative systems limit the political influence of cities?

In the discussions which arose over the work of the recent constitutional convention in New York, the impression seemed to be prevalent that such a restriction as that which prevents the election of more than one-half of the legislature by the two cities of New York and Brooklyn was something without precedent. Yet such is by no means the case. In all of the New England States but two, Massachusetts and New Hampshire, the constitutions fix some maximum of representation in one house or the other which puts a sharp limit on the political power of any city. The absolutely equal representation for each town in the Vermont house and in the Rhode Island senate of course has this effect. In Connecticut the equally fossilized but less symmetrical system of town representation in the lower chamber, limits to two the number of members from any city, no matter how large it may become; in the upper chamber, also, the giving of a large minimum representation to each county, cuts down the margin to such an extent that no county containing a large city can be represented in proportion to its population. In the Maine house no town may have more than seven members; in Rhode Island the limit is fixed at twelve. In Maine and Vermont, where the population is mostly rural, and changes but slowly,—Vermont's population gained but one-half of one per cent during the last census decade,—this restriction does not make itself very oppressive. But in the legislatures of both Rhode Island and Connecticut, such narrow limits are placed upon city representation as to work gross injustice to that part of the population which is steadily and rapidly on the increase. To-day more than half of the inhabitants of Connecticut live in cities of 15,000 and over, yet these elect less than one-tenth of the members in the so-called "popular" chamber.

Such facts as the foregoing would seem to show that even in one of the oldest and most homogeneous sections of the



country the federal suffrage is conferred on very different terms; that the assemblies which elect federal senators differ widely in size, in personnel and in the basis upon which they are elected; and that, although equal representation is the ideal set up by the constitutions, there is utter disagreement as to what constitutes equality of representation, while in their attempts to realize it most of the States, by clinging to its letter, have sacrificed its spirit.

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## THE INCOME TAX DECISIONS AS AN OBJECT LESSON IN CONSTITUTIONAL CONSTRUCTION.

Sir Henry Maine has, in his "Ancient Law," made the use and value of fictions in the development and administration of the law very familiar to the non-professional, as well as to the professional reader. And yet, neither the professional nor the non-professional reader is fully conscious of the extent to which the rights of persons, and the judgments of the courts, depend upon the recognition of a pure fiction as a controlling principle of a fundamental law. Many a defendant in a criminal prosecution has escaped punishment by the solemn and serious application, of what is apparently accepted by both Bench and Bar as a general fundamental principle of criminal law, that a criminal intent is an essential element of a crime. The proposition is asserted and applied in the ordinary criminal cases of murder, assault and battery, larceny, etc., as if it were an invariable element of a crime, and the element which invariably distinguishes crime from a civil liability for a trespass. And neither Bench nor Bar seem to be shaken in their belief in the universality of this supposed general principle of criminal law, when they are required to prosecute a defendant for criminal negligence, the nature of whose offence absolutely precludes the implication of a criminal intent.

One of these wide-spread, universal fictions is the so-called cardinal rule of interpretation and construction of statutory and constitutional law, which is generally accepted as an unfailing guide to the determination of the meaning and effect of a proposition of written or statutory law. This cardinal rule of interpretation and construction is, that where a law has been enacted, whether it is an ordinary

statute or a provision of the State or National Constitution, its meaning and effect can be accurately ascertained, only by the discovery of the meaning and intent of those who composed the legislature or constitutional convention, which had adopted the provision under inquiry, or what was understood by the language employed in the statutory or constitutional provision by the contemporaries of such legislature or constitutional convention. If this so-called cardinal rule of interpretation were actually obeyed by the courts in their construction and interpretation of statutory and constitutional law, the student of political science would have nothing to say concerning it, except that perhaps a stray radical would condemn the unwisdom of a rule, which would require the interests of a growing nation to be handicapped by the comparatively narrow ideas of a past generation. But the fact is, however gravely the Bench and Bar may believe to the contrary—and they as a body most certainly believe in the verity of this first rule of interpretation and construction—in no case of statutory and constitutional construction, where there has been or is any variance between present public opinion and the written word of the statute or constitution, has there been any observance or enforcement of the real meaning and intent of those who were responsible for the enactment of the statute or constitutional provision, except in two cases and under one of two conditions: first, either because the written word of the statute or constitution was not susceptible of more than one construction; or, secondly, at some time previous to the present case, the same provision has been subjected to judicial construction, and the court feels bound in the pending case to follow the opinion of the court in the earlier case. The determination of the court to stand by its ruling in the earlier case, in which the same legal question was raised and decided, is a very wise provision in the actual administration of justice for the assurance of stability in the law, as actually enforced and administered. But the rule

of *stare decisis* has its limitations; and whenever the decision of a court in the interpretation of a rule of law is so far out of line with the prevalent conception of right and justice, that public opinion, as it finds expression and feeling through the court, and those who legitimately influence the formation of judicial opinion, would endorse and urge the repudiation of the old ruling and the adoption of a new ruling which is more consonant with the prevalent sense of right, we learn that the court has overruled the decision in the earlier case. *Stare decisis*, in this comparatively extraordinary case, gives way to the popular demand for a contrary ruling. In the greater number of cases, where the earlier decision or decisions conflict with the prevalent sense of right, the court is able, by the use of refined distinctions, which the laity call the quibbles of the law, to give a reason why the decision in the earlier case should not apply to the pending cause of action. A new rule is laid down for the government of the present case, and it is then said to be distinguished from the earlier case.

If there has been no previous adjudication over the question of law, and the statutory or constitutional provision comes before the court for judicial construction for the first time, and there is a more or less extensive clashing of interests over the disputed provision of the statute or constitution, the case is hotly contested; both sides are ably represented by counsel, and the advocates on either side exhaust their ingenuity in convincing the court that the framers of the statute or constitutional provision intended to establish by the clause in question that rule of law which is most favorable to the interests of their client. If the written word is susceptible of but one construction it is not difficult, in the ordinary case, to predict what will be the judgment of the court, and the battle of the legal giants will not be prolonged. But if the written word of the statute or constitution admits of more than one interpretation or construction, the attorneys for each side will earnestly and seriously contend for

that construction which is most favorable to the interests of their client; and the attorneys for both sides will support their claim of having the right view of the case by the grave argument that those who framed and enacted the contested law intended to place upon the written word the construction and interpretation they respectively favor and urge.

When lawyers make this appeal to the intentions and meaning of those who framed and enacted the law, and the learned judges in turn base the judgment of the court in favor of one or the other possible construction of the written word of the statute, on the fundamental proposition, that it *was* the intention of the law-making power that the law should have that effect, they do so in all sober earnestness, and they are unconscious that they are relying upon a most profound fallacy, viz: that the intentions of the law-making power, except so far as they have been absolutely embodied in the written word, have any control whatever over the interpretation and construction of the written law. On the contrary, if a constitutional provision or statute is susceptible of two constructions, one of which reflects the meaning and intent with which the written law was adopted, and the other reflects the prevalent sense of right, and is demanded by a strong combination of private or public interests, the adoption by the court of the latter construction may be confidently predicted, unless some prior decision, and the doctrine of *stare decisis*, blocks the way. And if the court adopts the construction which appears to be that which was intended by the enactors of the law, it is not to be explained on the ground that the framers of the law entertained that construction, but because it conformed to, and was required by, the prevalent sense of right, as it found expression through the court. And this, which I claim to be the true cardinal rule of interpretation, may be justified by scientific and logical reason, as well as shown to be the rule which is actually, but probably in almost all cases, unconsciously obeyed by both Bench and Bar.

It is not an unjustifiable use of the superlative, to say that the cases in the Supreme Court of the United States, involving the inquiry into the constitutionality of the income tax law, have attracted more attention throughout the United States and created more popular discussion than any other litigation of the past thirty years. Other cases might easily be cited, whose effect will be more profound and extensive, but none which has created so much popular excitement, and it is not going beyond the limits of reasonable statement, to assert that the several opinions, filed in the case by different members of the Supreme Court, are more or less of an enigma to the legal profession and the laity, to the learned and the ignorant. I believe a great deal of the doubt and confusion, which surrounded the question of the constitutionality of the income tax law prior to the rendition of the decisions of the court, and which has not been completely dissipated by these decisions, is due to the popular and professional conception, that, in order to determine what is a direct tax, as the term is employed in the Constitution of the United States, which requires that all direct taxes levied by the United States shall be apportioned according to population, one must seek the meaning which the word had in common use at the time when this provision of the Constitution was adopted. If one is to accept that formula of constitutional construction in all its literal exactness, the rational mind cannot escape the irresistible conclusion that a national income tax of two *per cent* on all the income of individuals and corporations, over and above the sum of four thousand dollars, is in contravention of the provision of the United States Constitution, Article I, Section 9, which provides that "no capitation or direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken."

There has, in fact, been no change at any time in the economic history of the world in the meaning of the term "direct tax." Political economists and the dictionaries have

united in giving the same distinction between direct and indirect taxes, viz: that taxes are *direct*, when they are levied upon and collected from those who were expected to pay them, and *indirect*, when they are levied upon and collected from one class of persons, with the understanding and expectation that they will be ultimately paid by the consumer or user of the things or property taxed, under the guise of an increase in the price of the property so taxed. There has never been any doubt that a tariff is an indirect tax. For while the importer pays the tax, he adds it to the price of the goods imported, and the consumer ultimately pays his proportion of the tax in the consequent increase of the price which he pays for the goods he consumes. There may have been, and there is even now a difference of opinion as to what taxes are properly considered to be direct; and that, too, where there appears to be a unanimity of opinion, as to the general meaning of the term. Almost every one, including the majority of the Supreme Court of the United States in their decision in the present case, concedes that a tax on land is a direct tax, and even the minority of the court, in dissenting from that opinion, rest their dissent on the legal bar of *stare decisis*. But, except so far as the taxpayer is a user of the land which is taxed, and therefore comes under the classification of consumers, he does not ultimately pay the tax. The land-owner adds it to the rent which he charges his tenant for the occupation of the land, and the tenant really pays it in the shape of increased rental. If the land-owner were not required to pay a tax on the lands which he lets, or the importer were not required to pay a tax on the goods which he sells, the tenant would be able to hire the land at a proportionately lower rental, and the consumer could buy the imported goods at a proportionately lower price. It is a matter of common information that the reason why the average gross returns from real estate investments are so much greater than the gross returns from

investments in personalty, after deducting a small percentage for repairs and insurance, is that personal property can escape taxation, and real estate cannot hide itself from the tax-gatherer. The land-owner requires a larger percentage of gross profit than does the mortgagee, because the land-owner cannot get away from the payment of the tax, and he must be reimbursed for this charge upon the property. If personal property could not generally escape taxation, the borrower could not borrow money at four and a half and five per cent.

It seems to me that the only taxes which are really *direct*, in the only sense in which the term *direct tax* can be properly used, is a poll tax, a tax on incomes, or a tax on the consumer of any article, such as the tax on carriages. A general tax on income is in the main a tax on the consumer; and while it is possible for the skillful mathematician to make a due apportionment of an income tax, so that the immediate taxpayer may reimburse himself for his outlay by raising the prices on the things, by the sale of which he is able to make his income, yet the process is a much more difficult one, than in the case of a tax on lands or imports. Of all the taxes, which are claimed to come within the term *direct tax*, it seems to me that there is the least objection to its application to the income tax. If, therefore, the constitutionality of the income tax law is to be determined by a consideration of what the members of the Constitutional Convention of 1787 understood to be a direct tax, there can be no doubt whatever that the income tax fell within the constitutional limitation as to apportionment according to population. The opinions of Chief Justice Fuller and Mr. Justice Field are unanswerable from that standpoint. For while an effort was made by the counsel for the Government to show that an income tax was not within the ken of the framers of the Constitution in their conception of a direct tax, the economic history of the world forces us to the contrary conclusion.



If this be true, how then can it be explained that the able jurists, who dissented from the opinion of Chief Justice Fuller, and the other able jurists, who composed the court when the case of *Springer v. United States*, 102 U. S. 586, was decided,—not to refer to the personnel of the same court during the pendency of other cases, in which this clause of the Constitution was under construction—soberly reached the conclusion that an income tax was not a *direct tax*? The uncomplimentary charge of ignorance of the meaning of the term “direct tax” would be both unjust and unsatisfactory. Let us see how clear it all appears, as soon as we successfully shut our eyes to this so-called fundamental rule of construction, that the intention and meaning of the framers and enactors of a written law must necessarily govern and control the construction and interpretation of the law, and substitute for it, what I claim to be the true rule, viz: that the prevalent sense of right must be ascertained in all its bearings and applied to the determination of the question.

This constitutional provision was the outcome of the compromise, of which traces are found throughout the national constitution, between the nascent national and local State allegiance. And it was designed to check the then dreaded danger of tyranny of the general government. But the enforcement of the provision, that direct taxes shall be apportioned among the States according to population, proved to be even more impracticable than the enforcement of the common constitutional requirement of uniformity and equality in taxation. When, therefore, the United States Supreme Court was asked to declare whether a tax on carriages kept for use was a direct tax, the Court answered in the negative.\* And the same answer was given to the same inquiry in respect to the character of a tax on the revenues of insurance companies, from whatever source, including real estate, the revenue may come.† A tax on the circulation

\* *Hylton v. United States*, 3 Dall. 171

† *Pacific Ins. Co. v. Soule*, 7 Wall. 434.

of State banks,\* a tax on inheritance of real estate,† and finally a tax on income.‡ If one were to undertake to collect examples or illustrations of direct taxes, it would be difficult to select better ones than those just enumerated, and the capitation and land taxes were the only others which would be readily suggested in order to complete the list of direct taxes. What conclusion must be reached by the unbiased student upon a study of these cases, in which the most august court of the world have soberly pronounced these various taxes to be indirect in the constitutional sense? In the ordinary language of the legal profession, it might be answered, that these cases disclose the fact that the phrase "direct tax" was used by the framers of the Constitution in a peculiar and special sense, and was not intended to include all the taxes which political economists describe as direct. But the only practical explanation of this unbroken line of decisions, is that the requirement of the United States Constitution, that direct taxes shall be apportioned according to the population of the States, was dictated by the advocates of State sovereignty; that it was found to be an impracticable regulation, and a serious interference with the reasonable taxing power of the national government; that the particularistic demand for this limitation upon the taxing power was greatly overestimated by the members of the constitutional convention; that since the popular demand for a tax on carriages, on the revenues of insurance companies, on circulation of State banks, on inheritances and on income, was immeasurably greater than the demand or sense of necessity for the enforcement of the constitutional requirement of apportionment of direct taxes according to population, the Supreme Court of the United States followed the line of least resistance, and declared that these several taxes were not direct in the constitutional sense. A line of judicial precedents was thus established, which would have been

\* *Veazie Bank v. Fenno*, 8 Wall. 533.

† *Schooley v. Rew*, 23 Wall. 311.

‡ *Springer v. United States*, 102 U. S. 587.

followed in the present income tax cases by a large majority of the court, if not by all the judges, leading them to pronounce the present income tax law to be constitutional—if it had not been for the immense popular opposition which certain features of the law, and the political and social origin of the demand for the law, had aroused.

The facts that the political party, which has strong socialistic leanings, required its enactment, as a condition precedent to a reformation of the tariff that the law discriminated against the rich and in favor of the poor by exempting all incomes less than \$4000, that the capitalistic classes consider this income tax law to be the first of many proposed attacks upon their vested interests,—these facts and others generated an intense opposition to the enforcement of the law. The income tax law was opposed by a very powerful minority, and its influence was more or less accurately, and I may possibly add justly, displayed by a nearly equal division of the Supreme Court in their decision of the question as to the constitutionality of the law. The learned judges, who have declared the income tax law to be altogether unconstitutional, were impelled to this conclusion, not so much because they believed that an income tax was a direct tax, which was required by the United States Constitution to be apportioned according to the population of the States, but because they were not impressed with the soundness of Mr. Carter's able arguments in favor of the economic value and justice of the income tax law. The required obedience to the written word of the Constitution necessitated the assignment of this strictly legal reason for their departure from the line of decisions to the contrary, and for ignoring the force of *stare decisis*; but the real explanation of their judicial attitude is their profound disbelief in the economic merits of the income tax law.

We have, therefore, on the one hand, a large body of the people, if not a majority, in favor of the income tax on its merits, reinforced by a considerable body of men who are

opposed to tying the hands of the national government by the judicial declaration, that no direct tax can be laid which is not apportioned according to the population of the States; and on the other hand, a strong and powerful body who are opposed to the income tax law because they believe it to be wrong in principle, and look upon it as the first move in the future contest between Individualism and Socialism. The result is a divided court, portraying the contentions that are now being worked out by the forces of society; somewhat obscured by the legal fiction, that we must obey the commands and follow the ideas of economic and political propriety which were entertained by the distinguished men, long since dead, who composed the Constitutional Convention of 1787, and who could not possibly have known in detail what would be the economic and political needs of the American people at the close of the nineteenth century.

The American people are not, and should not be, ruled by the commands of dead men, however distinguished they may be, and however much they and their political wisdom challenge and deserve our veneration. In so far as their ideas of political wisdom are embodied in the written word of the Constitution, public opinion now requires them to be generally followed and obeyed by the courts and legislatures, and to that extent do the courts recognize the constitutional limitations upon the powers of the different branches of the government. But when the written word of the Constitution hampers the actions of the government in a way that public opinion considers so injurious that they require the written word of the Constitution to be ignored, the courts justly obey the popular mandate, at the same time keeping up a show of obedience to the written word by the skillful use of legal fictions.

If this be true then it may be justly asked, what becomes of the boasted excellence of a written over an unwritten Constitution? The answer is to be found in the felicitous expression of James Russell Lowell, in his address on

Democracy, that the written Constitution is only a check "upon the people's whim, not of their will."

As I have said elsewhere:\* "with this limitation, extensive as it is, the written Constitution serves a most beneficent purpose. If one professes any faith at all in popular government, he must confess to a desire that the popular will shall prevail, and that the danger to the commonwealth lies not in the people's will, but in their whims and ill-considered wishes. And even if the student does not have any faith in popular government, he must admit that, with an enlightened and spirited people, who know their strength, and who know that the living power in all municipal law proceeds from them, it is an absolute impossibility to suppress the popular will."

The courts, in the exercise of their remarkable power to declare an act of Congress to be void because it is in contravention of some provision of the Constitution, serve as a balance-wheel of the governmental machine, giving to vested rights and conservatism a reasonable opportunity to retard, but not to completely thwart, the progress of the nation.

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\* "Unwritten Constitution of the United States," p. 164.

## BRIEFER COMMUNICATIONS.

### THE FORMULATION OF GRESHAM'S LAW.

The monetary law which MacLeod named after Sir Thomas Gresham, its English enunciator, is, of course, well understood, and has been thoroughly worked out. Perhaps there is no better presentation of the various cases of the law's operation than that given by Gide in his "Political Economy."\* At the same time the formulation of the law itself seems to have attracted too little attention. I shall venture, therefore, to criticise one or two typical statements of the law, and, thereafter, to offer what I consider an improved statement thereof.

The commonest formula is this: "Bad money drives out good money, but good money can not drive out bad money."† Even Gide, who is so explicit in regard to the various cases of the law's action, puts it thus: "In every country where two legal moneys are in circulation, the bad money always drives out the good." General Walker has criticised this phrasing of the law and has amended it. First citing the current statement that "bad money always drives out good money," he remarks: "Thus boldly stated, as in most treatises it is, the theorem is false. That effect will not be produced unless the body of money thus composed of heavy and light coins, is itself in excess of the needs of the community, as determined by the law of the territorial distribution of money, which has been stated and illustrated."‡

General Walker's criticism is in point, but his proposed amendment is, in my judgment, defective: first, because by implication the law's operation is restricted to a circulation exclusively metallic; and second, because the law, which is invoked, of the international distribution of money does not adequately cover all cases of the operation of Gresham's law. The first objection urged against General Walker's statement rests, it is true, largely upon verbal grounds. Undoubtedly a careful reader of economics would argue analogically that a currency consisting partly of coin and partly of paper surrogates would obey the same law as a metal currency, and that under the necessary conditions, paper money will be the "bad money" and drive the better out of circulation. But it is dangerous to assume that the ordinary undergraduate has the analogical judgment highly developed. The positive genius sometimes displayed in *mis*-understanding a plain statement precludes one from assuming in the average reader much capacity for discrimination in the interpretation of economic laws.

\* Pp. 194-198, Jacobsen's translation.

† Laughlin, "Elements of Political Economy," p. 166.

‡ Walker, "Political Economy," Briefer Course, p. 113.

The second objection to General Walker's statement is based on the fact that Gresham's law may operate irrespective of movements of specie and bullion in foreign trade. Suppose an absolutely isolated economic community, with a joint metallic circulation, and with constant additions being made to the stock of one of the money metals. Ultimately the undervalued money will disappear from circulation. So that the proposed addendum, to wit, "as determined by the law of the territorial distribution of money" is not an adequate limitation or explanation of the shorter but misleading statement that bad money always drives out good. The formulation of the law given in an old pamphlet cited by MacLeod\* is much more cautious and, on the whole, nearer the truth. It runs thus: "When two sorts of coin are current in the same nation, of like value by denomination but not intrinsically, that which has the least value will be current and the other, as much as possible, hoarded."

The dogmatic formulation, however, which seems to me the best, and which I offer in order to avoid the difficulties attaching to the shorter but sometimes misleading statement of the theorem, runs as follows:

*When any element in the joint circulating medium of a country can be more advantageously employed in a non-monetary use, that element tends, in whole or part, to disappear from the domestic circulation.*

Thus phrased, the paradox of bad money's driving out good money (which is not always true) disappears. Instead of seeming a monetary mystery the truth is seen to be so simple that it seems almost a truism. Thus put, it is as true for an isolated economic community as for a nation engaged in international trade. And, lastly, the real cause of the phenomenon comes to view in the increased utility of employing the erstwhile money to serve as a hard, as raw material in the arts, or a means of liquidating foreign indebtedness.

WINTHROP M. DANIELS.

*Princeton College.*

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#### VACATION COURSES IN POLITICS AND ECONOMICS AT BERLIN.†

SIR:—In answer to your favor of the 27th ult., I have the honor to reply as follows:

For many years past, various church associations—the Catholics took the initiative in the Rhine province—have carried on, under

\* "Elements of Economics," Vol. i, p. 271.

† The fact that a Vacation Course in Politics and Economics is to be given at the University of Berlin during the first two weeks of October, 1895, was noted in the last number of the ANNALS (July, 1895, p. 163). The above communication was received in answer to an inquiry as to the history of the movement which led to the establishment of these courses.

their auspices, politico-social courses for the general public. In the autumn of 1893, the Evangelical Social Congress made a similar attempt here in Berlin on a larger scale. This Congress is an association of all the Protestant church parties, so far as they are interested in politico-social subjects. It includes members of the Extreme Right and of ecclesiastical orthodoxy, like the Court preacher, Dr. Stöcker, as well as very liberal theologians, extending even to those who stand very near to socialism, like the Rev. Mr. Naumann, of Frankfort-on-the-Main. The Evangelical Social Congress obtained the services of Wagner, Stieda, Elster, Weber, Rathgen, Kulemann and Oldenberg for its courses in the year 1893; each one of these gentlemen giving from four to six lectures on some politico-social subject. The success of the scheme was very pronounced. The audience was composed of about one hundred Protestant clergymen.

Besides this, it has been usual in the German universities for the past ten years or more, that courses extending over one or two weeks should be held for older people in vacation time. Thus, courses for physicians and farmers have been regularly held with marked success.

These circumstances suggested to me the idea of establishing a two weeks' vacation course on social politics, through the instrumentality of the Association for Social Politics (*Verein für Socialpolitik*). I came to an understanding with the chairman of the Evangelical Social Congress, who approved of the plan that the Association for Social Politics should take up the matter, recognizing that it would be much more certain to secure the co-operation of the leading political economists in Germany. The Catholics, moreover, who had not attended the courses established by the Evangelical Social Congress, could be counted upon by the Association for Social Politics, as naturally as the Protestants.

I entered into negotiations with such gentlemen as seemed to me the most suitable, and we laid the matter before the Executive Committee of the Association for Social Politics, who approved the project in their session of March, 1895. There is no printed report of these proceedings, as the minutes of our committee meetings are not published.

In case the plan succeeds in Berlin in the autumn, we propose to repeat the courses in other places, and if possible to make them accessible to larger circles, by reducing the admission fee. We shall count more upon the educated classes than upon the workmen for our audiences next fall. The largest lecture-room of the university which we shall use, does not hold more than from six to eight hundred persons. We expect that the audience will consist chiefly of clergymen, the younger officials and journalists. The fee of twenty-five



marks for the twelve courses of six lectures each, although not very high, would of itself exclude most of the laboring classes. Nor would it be possible for workmen to attend the courses which we give between nine o'clock in the morning and six in the afternoon. Evening courses are the only ones available for them. It was, on the other hand, necessary, if we desired to secure the political economists from different parts of Germany, to compress the courses within as brief a period of time as possible. This necessitates six lectures a day.

GUSTAV SCHMOLLER.

*University of Berlin, July 13, 1895.*

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#### THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE.

No more interesting or significant event has taken place for some time in the sphere of economic and political education than the recent establishment of the London School of Economics and Political Science, which will begin work in October, 1895. The opportunities in England for economic and political study, except along purely historical lines, have been, until within a very recent period, extremely meagre and unsatisfactory. Indeed, if one may believe the testimony of English scholars and educators, this condition of things still continues.

It is remarkable that in a great centre of population like London, there have been offered almost no facilities for the systematic, long-continued and detailed study of even the subjects relating to modern industry in the narrower sense of that term; nothing corresponding to the work offered at the University in Berlin and the other educational institutions of that city; nothing even that can bear comparison with the lecture courses in the University of Paris, to say nothing of those in the Free School of Political Science in that city. Even the great cities of the New World—New York, Philadelphia and Chicago—offer in the School of Political Science of Columbia College, the Wharton School of Finance and Economy of the University of Pennsylvania, and the University of Chicago, more comprehensive and more systematic opportunities for work than London.

The writer had occasion a decade ago to outline a plan for a school of social and political science, and it is a source of satisfaction to note that some of the features, mentioned at that time as desirable, although scarcely attainable within any near period either at home or abroad, are to be incorporated in this new school.\*

\* Cf. "An Outline of a Proposed School of Political and Social Science." By Edmund J. James. Pp. 26. Publications of the Philadelphia Social Science Association. 1885.

The establishment of such a special school for the study of economics and politics in London, has a significance, not merely for that city or even for England alone, but for the world. The influence which a properly equipped school, devoted to these subjects, might exert throughout the world, from London as a centre, is absolutely incalculable, and the only wonder is that we have had to wait so long for its establishment.

In the preliminary announcement, which has just appeared, it is stated, that the growing importance of social and economic subjects has drawn attention to the need of further provision for systematic training in economic and political science, and the promotion of original investigation and research. While great success has followed the organization of economic and political studies in certain foreign universities, no similar provision has been made for these subjects in the United Kingdom, and it is now proposed to remedy this deficiency by the establishment of this school.

The London School for which an anonymous benefactor provides the funds starts with the cordial co-operation of the leading economists and students of political science in the United Kingdom, and with the support of the Society of Arts and, on its commercial side, of the London Chamber of Commerce. It is organized to meet the needs of different classes of students. In the lectures on higher commercial subjects, which will be given under the auspices of the London Chamber of Commerce, and the classes in connection with them, students will be able to acquire that wider knowledge of modern commercial conditions which is every day becoming more necessary for the successful conduct of business.\* Those students who have already, by means of University Extension lectures or otherwise, gained some acquaintance with economic or political science, will be able to pursue their studies under the direction of experts, and the advanced courses will supply that scientific training which is likely in the future to become essential as a qualification for the Civil Service, municipal employment, journalism or public work.

While much attention will be given to the study of economics and political theory, the special aim of the school will be, from the first, the study and investigation of the concrete facts of industrial life, and the actual working of economic and political relations as they exist or have existed in the United Kingdom and in foreign countries. With this object in view, the school will provide scientific training in

\*The London Chamber of Commerce has already taken the initiative in promoting a sounder system of commercial education in England. Cf. "Education of Business Men in Europe." A Report made to the American Bankers' Association. By Edmund J. James. Pp. 232. New York, 1893.

methods of investigation and research, and will afford facilities to British and foreign students to undertake special studies of industrial life and original work in economics and political science. It is hoped that the school may become, as far as possible, a centre from which the available sources of information on these subjects may be made known.

The work of the school will take the following forms :

1. Public lectures, and classes in connection with them, on the following subjects : Economics (including Economic Theory and Economic History), Statistics, Commerce, Commercial Geography, Commercial History, Commercial and Industrial Law, Banking and Currency, Finance and Taxation, and Political Science.
2. Special classes, arranged as a three years' course of study, concluding with a research course.
3. The promotion, by means of scholarships or otherwise of original research.
4. The publication of books containing the results of researches in economic and political subjects conducted by the teachers of the school or under their direction.
5. The collection of a library for the use of the students of the school, consisting of books, reports and documents illustrative of Economic and Political History and Theory.
6. The organization of an "information department," to assist British students and foreigners visiting England for the purpose of investigation.

It is not proposed to prepare students especially for any examination, but the lectures and classes already arranged will be found useful to candidates for the following public examinations among others, viz., Civil Service (Class I and Indian), Council of Legal Education, Institute of Bankers, Institute of Actuaries, London University (Mental and Moral Science), London Chamber of Commerce (Commercial Education).

The lecture courses of the school, which will be open to the general public as well as to the members of the school, will usually be given in the evening between the hours of six and nine. The classes will be held both in the daytime and in the evening ; but it will not be necessary for students to attend both day and evening classes. Women will be admitted on the same terms as men.

The school year, commencing on October 10, will be divided into three terms : October to December, January to March, April to July ; the first two terms embracing ten weeks each, the third or summer term from twelve to fourteen weeks, with a short vacation at

Whitsuntide. The lecture courses will be given only in the first and second terms; but classes will be held continuously throughout the school year, vacations excepted.

The fees have been fixed at a very moderate figure, being three pounds for a ticket admitting to all the lectures and classes; 15s. for one course of twenty lectures extending over two terms, including the classes in connection with them; and, 5s. for the shorter courses of lectures.

Mr. W. A. S. Hewins, M. A., of Pembroke College, Oxford, well known as a scholar and instructor in these subjects, has been secured as Director of the school. The subjects of instruction have been divided into nine groups.

- I. *Economics*.—The public lectures in this subject for the first year are to be given by Mr. Hewins and Professor W. Cunningham; Mr. Hewins giving one lecture a week during a period of twenty weeks, and Professor Cunningham giving one lecture a week during a period of three weeks. Three classes will be organized. (a) Elementary Course, including the outlines of Economic Theory, Economic History of England and Elementary Statistics. (b) Advanced Course, corresponding to the second year, including the History of Economic Theory and critical study of the leading economic writers; or, in the place of these two topics, a detailed study of the Economic History of England in relation to that of foreign countries. (c) Final or Research Course, corresponding to the third year, including methods of investigation, authorities and practical work.

[No indication is given as to the number of exercises in these various class courses; it is presumably, however, one exercise a week in each course.]

- II. *Statistics*.—In the second group there are no lecture courses, and the class course, corresponding to the second year, will be conducted by Mr. A. L. Bowley, M. A., presumably once a week throughout the year, though no definite statement is made.
- III. *Commerce*.—A course of public lectures in Railway Economics is to be given by Mr. W. M. Acworth, M. A. One lecture a week during a period of six weeks.
- IV. *Commercial Geography*.—A course of public lectures of one each week during twenty weeks, by Mr. H. J. Mackinder, M. A., followed by a class in connection with the lectures.
- V. *Commercial History*.—A course of public lectures on the History of English Commerce. One each week during a

period of twenty weeks, by Mr. W. A. S. Hewins. In connection with this course, a class will also be formed.

- VI. *Commercial and Industrial Law*.—A course of public lectures on the Law in Relation to the Exchange and Distribution of Wealth, by Dr. J. E. C. Muir. One lecture a week during a period of twenty weeks.
- VII. *Currency and Banking*.—A course of public lectures on the History and Principles of Banking in England, by Professor H. S. Foxwell. One lecture a week during a period of twenty weeks. A second course of six lectures on the Bank of France, by Hon. Geo. Peel, M. A.
- VIII. *Taxation and Finance*.—A course of four public lectures on the History of Rating by Mr. Edwin Cannan, followed by a course of six lectures on the Rating Question, by Mr. E. J. Harper.
- IX. *Political Science*.—A course of public lectures on the English Constitution since 1832, by Mr. Graham Wallas; also, a second course on the Study of Foreign Constitutions, by the same lecturer, the number of lectures not yet fixed.

A series of classes, corresponding to the first, second and third years of the courses and parallel to those in Economics, will be conducted under the direction of Mr. Graham Wallas and other members of the staff.

The lectures for the first year are all given in the evening, and it will be noted that in no case are two lectures of the same course given in one week.

The scientific and educational character of this undertaking is sufficiently indicated by the names of the men who appear in the list of lecturers. The July number of the *Economic Review* speaks in its editorial department as follows of the lecturing force: "Of the *personnel*, an important factor always, it is difficult to speak too highly. Previous training and study and a reputation gained early in life, point to Mr. Hewins as 'the right man in the right place' as director. His co-operators have been chosen impartially as regards schools of thought and with a single eye to efficiency. Professor Foxwell and Professor Cunningham are known everywhere, not merely as learned men, but as successful teachers. Mr. Cannan brings an almost unique acquaintance with the history of economics and the facts of government, and Mr. Acworth speaks with the knowledge of a German specialist of the economics of railways." It may be added that no superior could easily be found to either Mr. Wallas or Mr. Mackinder in their respective specialties.

Ample evidence is afforded in this announcement, of the influence

which the University Extension movement has already begun to exercise upon the course of English instruction. Several of the instructors have done most acceptable work as University Extension lecturers, and the general organization of the scheme of training reminds one of University Extension methods.

Such an institution as this would perform a most useful function in each one of the great cities of the world. The colleges and universities, even where they have such departments as mentioned above, answer the wants only of the regular university students. A school like this can serve the needs of that class—fortunately for modern civilization a rapidly increasing one—whose members are hungering and thirsting after accurate and detailed knowledge of our social, political and industrial problems; though from advanced age or lack of previous opportunities, or business necessities, they cannot avail themselves of the facilities organized and adapted for regular college students. Will not the philanthropists of other countries follow the example of the London anonymous benefactor, and do, each for his own city, what the former has done for the English metropolis?

Additional information in regard to the London undertaking, is given in the appended letter of the director, written in answer to a request for further facts about the school and its aims.

EDMUND J. JAMES.

\* *To the Academy* :—

There are several points which ought not to be lost sight of in considering the school.

The form which the work of the school will assume is necessarily determined by the peculiar conditions with regard to economic teaching which prevail in England. There is here no "career" for the man who devotes himself to economics; or, at any rate, such a career is only for the few favored people who obtain the small number of professorships and lectureships. Then, the requirements in our examinations, in the universities, in the Civil Service, etc., are so meagre that we cannot look to this agency to provide us with students. We are, in fact, forced to rely upon that wide-spread and growing public interest in social and economic questions which is one of the most striking features of English life at the present time. Hence we must (1) deal as far as possible with the concrete questions on which people desire guidance, and train them so that they may be able to form decisions with regard to them; (2) insist on economics and political science as the most important part of the citizen's education, and show how public work will gain in efficiency by such studies; (3) deliver the lectures and do much of our work in the evening, because we

shall draw most of our students from those classes which are engaged during the day ; (4) admit the public to the courses of lectures, as distinct from the classes.

From those attending the lectures, we shall no doubt draw a large number of students who will undertake a long course of study. It is difficult to give an estimate of the number ; but from my experience of lecturing for University Extension, I am convinced that if London is well "worked," we ought in time to have 2000 students, full members of the school, who will be engaged in the systematic and continuous class work.

We, therefore, regard the public courses of lectures first, as valuable in themselves, in that they supply information to the students which they could only obtain otherwise with great difficulty ; second, as a means of stimulating interest in the more systematic work of the school, and supplying us with many of our regular students.

But it is to the special classes that we look for the most valuable results. In them, we propose to give a three years' course of training. In the class work, the relations between students and lecturer will be close and continuous. The number attending any class at one time will be strictly limited, so that the lecturer may cultivate the most intimate relations with his pupils, and become thoroughly acquainted with their needs. So that if many students join a class, they will be divided into several groups. The class work will extend over from thirty-two to thirty-four weeks per annum.

We hope to make the third or summer session (April to July), as complete as possible in itself, and we shall be very glad if American students avail themselves of it. In the "Research Department," we shall arrange special class-lectures during that session on "Authorities," etc., for different branches of English Economic History and present day questions. Such students also will have the advantage of the "Information Department," which we intend to organize, and in which we shall be able to give very valuable help to those who come to England to investigate.

W. A. S. HEWINS.

*Pembroke College, Oxford.*  
*July 12, 1895.*

## PERSONAL NOTES.

### AMERICA.

**Brown University.**—Dr. James Quayle Dealey has been advanced to Assistant Professor of Political and Social Science at Brown University. He was born at Manchester, England, August 13, 1861, and came to America in 1870. He attended Cook Academy at Havana, N. Y., and entered Brown University in 1886. In 1890 he graduated with the degree of A. B. For the next five years he pursued post graduate study at Brown, first (1890-93) *in absentia* and then (1893-95) at the university. In 1893 he received the degree of A. M., and in 1895 the degree of Ph. D.,\* from his *alma mater*. During the year 1890-91 Dr. Dealey was Professor of Ancient and Modern Languages at Denton Normal College, Denton, Texas. From 1891 to 1893 he was Professor of Latin and German at Vermont Academy, Saxton's River, Vt., and during the past year he was Instructor in Latin in Brown University.

**Columbia.**—Dr. James Harvey Robinson,† Associate Editor of the *ANNALS*, has been elected Professor of History in the graduate department of Columbia College, New York. In 1892 Dr. Robinson became Associate Professor of History at the University of Pennsylvania, and was one of the Conference on History which reported to the Committee of Ten of the National Education Association. In connection with his colleagues in the historical department of the University of Pennsylvania he inaugurated the useful series of Translations and Reprints from the Original Sources of European History, now in its second volume, and of which he edited several issues. He has also recently published :

"*Sidgwick's 'Elements of Politics.'*" *ANNALS*, September, 1892.

"*The Study of European History.*" Two papers. University Extension, 1892-93.

"*Should the Sources Be Used in Teaching History?*" Proceedings of the Association of Colleges in Middle States and Maryland, 1894.

"*The Tennis Court Oath—The Idea of a Constitution in France Before the Revolution.*" Proceedings of the American Historical Association, 1894, and in an expanded form in the *Political Science Quarterly*, September, 1895.

\* See below, p. 105.

† See *ANNALS*, Vol. ii, p. 367, November, 1891.



**Cornell.**—Dr. Charles J. Bullock has been elected Instructor in Economics for the year 1895-96 at Cornell University. He was born May 21, 1869, at Boston, and received his early education in the public schools of Wellesley, Mass. In 1885 he entered Boston University, where, in 1889, he received the degree of A. B. He taught the classics in high schools 1889-91, and in the latter year became principal of the Middlebury High School, Middlebury, Vt. In 1893 he was appointed Jacob Sleeper Fellow of the Boston University, and spent the year 1893-94 at the University of Wisconsin in post-graduate studies. In the following year he was Fellow and Instructor in Economics in the latter institution, where he received, June 20, 1895,\* the degree of Ph. D. Dr. Bullock is author of the following papers:

"*Industrial Training from an Economic Point of View.*" Education, June, 1890.

"*Political Economy in the Secondary School.*" Education, May, 1891.

"*The Finances of the United States from 1775 to 1789, with Especial Reference to the Budget.*" Pp. viii and 158. Bulletin of the University of Wisconsin, Vol. I, No. 2, June, 1895.

**Johns Hopkins University.**—Dr. Jacob H. Hollander † has been advanced to Instructor in Economics at Johns Hopkins. He has written:

"*Professor Clark's Use of the Terms Rent and Profits.*" ANNALS, November, 1894.

"*The Concept of Marginal Rent.*" Quarterly Journal of Economics, January, 1895.

Dr. Sidney Sherwood ‡ has been promoted to the position of Associate Professor of Political Economy at Johns Hopkins. He has recently written:

"*The History and Theory of Money.*" Pp. 413. Philadelphia, 1893.

"*University of the State of New York; Origin, History and Present Organization.*" Albany, 1893.

"*Historical Sketch of the American Bankers' Association.*" Proceedings of the Association for 1893.

"*The Nature and Mechanism of Credit.*" Quarterly Journal of Economics, January, 1894.

"*University Extension as a Means of Research.*" University Extension, March, 1894.

Dr. John Martin Vincent has been advanced to the position of Associate Professor of History at Johns Hopkins. Professor Vincent

\* See below, p. 106.

† See ANNALS, Vol. v, p. 277, September, 1894.

‡ See ANNALS, Vol. ii, p. 843, May, 1892.

was born at Elyria, Lorain County, O., on October 11, 1857, and in his youth attended the public schools of his native town. He then studied at Oberlin and Amherst Colleges, leaving college, however, before graduation on account of ill-health. He went abroad in 1881 and studied for two years at Leipzig and Berlin. Upon his return in 1883, he received the degree of A. B. from Oberlin and five years later the degree of A. M. In 1886 he commenced post-graduate work at Johns Hopkins, continuing until 1890, when he received the degree of Ph. D.\* From 1887 to 1891 Dr. Vincent was Librarian of the Department of History and Politics, and Instructor in History at Johns Hopkins. The year 1891-92 he spent in travel and research abroad. In 1892 he was recalled to Johns Hopkins to become Associate in History.

Professor Vincent is a member of the American Historical Association, the Institut internationale de Sociologie, the American Proportional Representation League and the American Academy of Political and Social Science. He has written :

"*A Western Ambassador at Constantinople.*" Overland Monthly, April, 1888.

"*A Study in Swiss History.*" Papers American Historical Association, Vol. III, p. 146.

"*State and Federal Government in Switzerland.*" Pp. 248. Johns Hopkins Series, 1891.

"*Switzerland, 1291-1891.*" Nation, Vol. LIII.

"*Politics and History at Vienna.*" Nation, Vol. LIII.

"*Constitutional Revision in Belgium.*" Nation, Vol. LIV.

"*Le Mouvement social aux Etats-Unis.*" Revue internationale de Sociologie, November, 1893.

"*Literature of American History.*" Papers American Historical Association, 1893.

From 1888 to 1892 Dr. Vincent contributed "Reports on the Literature of American History" to the *Jahrsbericht der Geschichtswissenschaft*.

**Massachusetts Institute of Technology.**—Dr. Wm. Z. Ripley † has been advanced to the position of Assistant Professor of Sociology and Economics at the Massachusetts Institute of Technology. During the past year, Dr. Ripley lectured on "The Evolution of Custom" at Hartford School of Sociology, and will repeat this course during the coming year, giving also a course on "The History of the Family." He has recently contributed to the *Engineering Magazine* and to the Boston *Herald* a series of articles on "Technical Education" and "The

\* See ANNALS, Vol. i., p. 295. September, 1890.

† See ANNALS, Vol. iv., p. 461, November, 1893.

*Massachusetts Institute of Technology.*" In addition to these he has written :

"*Our Antiquated Tax System.*" Springfield Republican, November, 26, 1893.

"*New England's Supremacy in Cotton Manufactures.*" New York Evening Post, March 30, 1895.

**Meadville Theological Seminary.**—Rev. Nicholas Paine Gilman has been appointed Hackley Professor of Sociology in the Meadville Theological Seminary at Meadville, Pa. This is one of the first theological schools in the country to have a fully endowed professorship in sociology. Professor Gilman was born at Quincy, Ills., on December 21, 1849. His early education was obtained at public schools and in private academies in Maine and New Hampshire. In 1868 he entered the Harvard Divinity School at Cambridge, and graduated in 1871. For seven years he was pastor of various Unitarian churches in Massachusetts. In 1878 he was appointed preacher and professor in Antioch College, Yellow Springs, O., where he remained until 1881. In 1888, Mr. Gilman was appointed editor of the *Boston Literary World*, a position which he has just resigned. Since 1892 he has been editor of the *New World*, and of *Employer and Employee*. Professor Gilman is a member of the Council of the American Economic Association.

Besides various articles in the *Unitarian Review*, the *Forum*, the *New England Magazine*, and the *New World*, he has written :

"*Profit Sharing Between Employer and Employee.*" Pp. 460. Boston.

"*The Laws of Daily Conduct.*" Pp. 149. Boston.

"*Socialism and the American Spirit.*" Pp. 376. Boston.

**University of Michigan.**—Dr. Charles Horton Cooley has been advanced to the position of Instructor in Sociology at the University of Michigan. Mr. Cooley was born at Ann Arbor, Mich., on August 17, 1864. His early education was obtained at the public schools of that city. In 1880 he entered the University of Michigan, but left college to travel abroad. Coming back he graduated in 1887 with the degree of A. B. He remained a year longer to complete his course in mechanical engineering. During the remainder of 1888 Mr. Cooley was a mechanical draughtsman at Bay City, Mich. In 1889 he was employed by the Interstate Commerce Commission to investigate the federal regulation of safety appliances on railroads. He then became special agent of the United States Census on Street Railways, and later chief of the transportation division. In September, 1891, Mr. Cooley resigned this post and spent six months in Italy. In 1892 he

returned to Ann Arbor to engage in post-graduate study, and in 1894 received the degree of Ph. D.\* For the past three years he has been Assistant in Political Economy at that University.

Dr. Cooley is a member of the Council of the American Economic Association and Treasurer of the Michigan Political Science Association. He has written :

"*Federal Regulation of Safety Appliances.*" Railroad Gazette, April, 1889.

"*Federal Regulation of Safety Appliances,*" in the Third Annual Report of the Interstate Commerce Commission, 1889.

"*The Sociology of the Street Railway.*" Railroad Gazette, November, 1890.

"*Relative Economy of Animal, Cable and Electric Motive Powers for Street Railways.*" United States Census Bulletin, No. 55. Pp. 17. 1891.

"*Street Railway Transportation.*" A monograph of the Eleventh Census. Pp. 195. 1892.

"*Observations on the Measure of Change.*" Publications of the American Statistical Association, March and June, 1893.

"*Transportation*" (with Thomas M. Cooley), a chapter in Vol. II of Shaler's "The United States."

"*The Theory of Transportation.*" Publications of the American Economic Association. Pp. 148. May, 1894.

"*Competition and Organization.*" Publications of the Michigan Political Science Association, No. 3, December, 1894.

**University of Missouri.**—Mr. Isidor Loeb has been appointed Assistant Professor of History at the State University of Missouri at Columbia. Mr. Loeb was born at Roanoke, Howard County, Mo., on November 5, 1868. He attended various private schools at Columbia and entered in 1881 the University of Missouri. He graduated in 1887 with the degree of B. S. The four years following he was engaged in business. In 1891 he returned to the University, remaining two years and received in 1893 the degrees of M. S. and LL. B. From 1892 to 1894 Mr. Loeb was Tutor in History at the University of Missouri. During the past year he held a University Fellowship in Jurisprudence † at Columbia College.

Professor Loeb is a member of the American Economic Association, the American Jewish Historical Society and the Political Science Association of the Central States. He has written :

"*The Doctrine of Election in Equity.*" Central Law Journal, Vol. XXXVIII, No. 2.

\* See ANNALS, Vol. v, p. 283, September, 1894.

† See ANNALS, Vol. v, p. 284, September, 1894.

**University of Montana.**—Dr. Oscar J. Craig, formerly Professor of Political Economy and History at Purdue University, has been elected President of the University of Montana. Professor Craig was born near Madison, Jefferson County, Ind., on April 18, 1846, and in his youth attended the district schools of his native township. In 1881 he graduated from De Pauw University with the degree of A. B. Three years later he received the degree of A. M. from De Pauw. From the University of Wooster he received the degree of Ph. D. From 1880 to 1883 Professor Craig was Superintendent of City Schools at Sullivan, Ind., and for the ensuing four years Principal of the Preparatory Department of Purdue University. Since 1887 he has been Professor of Political Economy and History.

He is a member of the Indiana Academy of Science, the Indiana Historical Society and the Political Science Association of the Central States. He has written :

"*The Bible in the XIX. Century.*"

"*Ouatenon.*" Indiana Historical Series.

"*The Ancient History of America*" Indiana School Journal. Also a series of six articles in the *Statesman* on "*The Federal Government.*"

**University of Nebraska.**—Mr. W. G. L. Taylor \* has been advanced from Adjunct to Associate Professor in Political and Economic Science at the Nebraska University. He has recently written :

"*Distributive Justice.*" Nebraska Literary Magazine, May, 1895.

**Ohio University.**—Mr. Brewster Owen Higley has been advanced to the position of Associate Professor in Political Economy and History at Ohio University, Athens, O. Mr. Higley was born at Rutland, Meigs County, O., on January 24, 1859. He obtained his early education at the local public schools. In 1887 he entered Ohio University and graduated in 1892 with the degree of Ph. B. During 1890-91 he taught in the public schools. In 1892 Mr. Higley was appointed Instructor in United States History, Civil Government and Political Economy at Ohio University.

**University of the Pacific.**—Dr. Rockwell Dennis Hunt has been appointed Professor of History and Political Science in the University of the Pacific. Mr. Hunt was born February 3, 1868, at Sacramento, Cal. He obtained his early education at the public schools of Napa City, Cal., and at the Napa Collegiate Institute. In 1886 he entered Napa College and graduated in 1890 with the degree of Ph. B. He continued his studies after graduation, first at Napa College (1890-92) and then at Johns Hopkins (1893-95). In 1892 he received the degree of A. M. from Napa College, and in 1895 the degree of Ph. D. from

\* See ANNALS, Vol. v, p. 279, September, 1894.

Johns Hopkins.\* During 1891-92 Dr. Hunt was Professor of History, and during 1892-93 was Professor of History and Elocution at his *alma mater*.

Professor Hunt is a member of the American Economic Association. He has written:

"*Province of Elocution in Oratory*." Proceedings of Second Annual Meeting of National Association of Elocutionists, 1893.

"*California's Name*." Sacramento Record-Union, March 24, 1894.

"*Genesis of California's First Constitution, 1846-49*." Pp. 59. Johns Hopkins University Studies. Thirteenth Series, No. 8, August, 1895.

Princeton.—Dr. Winthrop M. Daniels† has been advanced to the position of Professor of Political Economy at Princeton.

His recent writings are :

"*A History of the United States, by Alexander Johnston : Revised Edition with supplementary chapters on the last two Administrations*," New York, 1894.

"*The Popular Character of the National Banks*," Bankers' Magazine, January, 1895.

"*How much has the Country Lost by the Low Prices of Products*," Ibid., February, 1895.

"*U. S. Imports and Exports of Leading Articles of Commerce for Four Years*," Ibid., March, 1895.

"*A Lesson from England's Banking Legislation*," Ibid., May, 1895.

Professor Woodrow Wilson's‡ chair at Princeton has been changed to Professor of Jurisprudence. Dr. Wilson has recently written:

"*Division and Reunion, 1829-1889*," in series of *Epochs of American History*, published by Longmans, Green & Co. Pp. 299. 1893.

"*An Old Master and Other Political Essays*." Pp. 181. New York, 1893.

"*The English Constitution*." Four Parts. The Chautauquan, October, 1890, to January, 1891.

"*The Author Himself*." Atlantic Monthly, September, 1891.

"*Mr. Cleveland's Cabinet*." Review of Reviews, April, 1893.

"*Mere Literature*." Atlantic Monthly, December, 1893.

"*Review of Goldwin Smith's Political History of the United States*." The Forum, December, 1893.

\* See below, p. 106.

† See ANNALS, Vol. iii, p. 373, November, 1892.

‡ See ANNALS, Vol. i, p. 138. July, 1890.

"*A Calendar of Great Americans.*" The Forum, February, 1894.

"*University Training and Citizenship.*" The Forum, September, 1894.

"*The Proper Perspective of American History.*" The Forum, July, 1895.

"*On the Writing of History.*" The Century Magazine, September, 1895.

Mr. Walter Augustus Wyckoff has been appointed Lecturer in Sociology at Princeton. Mr. Wyckoff was born on April 12, 1865, at Mainpuree, North West Provinces, India. His early education was obtained at various English private schools, the Hudson Academy, Hudson, N. Y., and the Freehold Institute, Freehold, N. J. He then entered the College of New Jersey at Princeton, graduating in 1888, with the degree of A. B. From July, 1891, to February, 1893, he was engaged in the study of the wage earning classes in many sections of America. The results of this investigation he expects shortly to publish. The period from March, 1893, until November, 1894, he devoted to travel, going twice around the world. During the past year Mr. Wyckoff has been University Fellow in Social Science at Princeton.

**Purdue University.**—Dr. Thomas Francis Moran has been appointed Professor of History and Political Economy at Purdue University, La Fayette, Ind. Professor Moran was born January 9, 1866, at Columbia, Mich. In 1883 he graduated from the Manchester (Mich.) High School, and then entered the University of Michigan. He graduated from the university in 1887 with the degree of A. B. For the ensuing five years Mr. Moran was Superintendent of Public Schools at Elk River, Minn., and during the second half of the year 1892-93 Professor of History and Civics at the Minnesota State Normal School at St. Cloud. He entered in 1892 the Johns Hopkins University to pursue post-graduate work and remained there until 1895 with the exception of the few months he was at St. Cloud. During the year past he held a fellowship in history,\* and last July he received the degree of Ph. D.† Professor Moran has written:

"*The Gothenburg System of Regulating the Liquor Traffic.*" Charities Review, April, 1894.

"*The Rise and Development of the Bicameral System in America.*" Pp. 55. Johns Hopkins University Studies, May, 1895.

"*How Minnesota Became a State.*" Proceedings of the Michigan Historical Society. (In press.)

\* See ANNALS, Vol. v, p. 284, September, 1894.

† See below, p. 106.

**University of Utah.**—Mr. George Quincy Coray has been advanced to the position of Assistant Professor of Economics and Social Science at the University of Utah at Salt Lake City. Professor Coray was born at Provo, Utah, on November 26, 1857, and in his youth attended private schools and the Brigham Young Academy in that town. The year 1878-79 he spent at the University of Deseret. In 1883 he entered Cornell, and graduated in 1886 with the degree of B. S. From 1886 until 1891 he was engaged in journalism, first as editor of the Provo *Enquirer* (1886-87), then telegraph editor of the Ogden *Herald* (1887), then editor of the *Western Weekly* of Salt Lake City (1888-89), then associate editor of the Ogden *Standard* (1889-91), and finally as associate editor of the *Deseret News* of Salt Lake City (1891). In 1891 Mr. Coray was appointed Librarian of the University of Utah, a position he still occupies, and last year he was also Instructor in Political Science.

**Wellesley College.**—Miss Sarah McLean Hardy has been appointed Instructor in Economics at Wellesley College. Miss Hardy was born in Oakland, Cal., on October 12, 1870. She attended the public schools of her native place, and entered in 1889 the University of California, from which she graduated in 1893, with the degree of Ph. B. The past two years she has held a fellowship\* in the Department of Political Economy at the University of Chicago. During the absence abroad of Professor Coman, Miss Hardy will have full charge of the work in economics. She has written:

"*The Quantity of Money and Prices, 1861-1892.*" Chicago Journal of Political Economy, March, 1895.

**Wisconsin University.**—Mr. Jerome Hall Raymond has been appointed Professor of Sociology at the University of Wisconsin. Mr. Raymond was born at Clinton, Ia., on March 10, 1869. His early education was obtained in the Chicago and Sterling (Ill.) public schools, and at the Northwestern University Academy at Evanston. In 1888 he entered the Northwestern University, but left in June, 1890, to travel and study abroad. Coming back in January, 1892, he graduated that year with the degree of A. B. The following year Mr. Raymond spent mostly at Northwestern, but partly at Johns Hopkins. He was also Secretary for the Chicago Society for University Extension, and Editor of the *University Extension Magazine*. In June he received the degree of A. M. from his *alma mater*. The next year (1893-94) he was Professor of History and Political Science at Lawrence University, Appleton, Wis., studying at the same time at the University of Wisconsin *in absentia*. During the summer of 1894

\* See ANNALS, Vol. v, p. 283, September, 1894.



Professor Raymond was Lecturer on Economics at Chautauqua. During the past year he has been studying at the University of Chicago, holding at the same time the positions of Lecturer in Sociology and Secretary of the Class Study Department in the University Extension Division. Besides his chair at Wisconsin, Professor Raymond will also be Secretary of the University Extension Department. He has completed the work required for the degree of Ph. D. at the University of Chicago in sociology and political science and will receive that degree during the coming year.

Professor Raymond is a member of the Wisconsin Academy of Sciences, Arts and Letters, the American Economic Association and the American Academy of Political and Social Science. He has written a series of twelve articles on "*The Labor Movement*," published in the Oshkosh *Northwestern*.

**Yale.**—Dr. Edward G. Bourne has been elected Professor of History at Yale University. He was born June 24, 1860, at Strykersville, Wyoming County, N. Y. He prepared for college at the Norwich Free Academy, Norwich, Conn., and graduated (A. B.) from Yale in 1883. He pursued post-graduate studies in history at Yale from 1883 to 1888, during a part of this period occupying the position of Instructor of History (January, 1886, to June, 1888) to which was added, later in the year 1886 (September) the function of Lecturer on Political Science. From 1888 to 1890 he occupied the position of Instructor, and from 1890-95 that of Hayden Professor of History in the Adelbert College of Western Reserve University. In 1892 the degree of Ph. D. was conferred on him by Yale University. He was a member of the Conference on History, reporting to the Committee of Ten of the National Education Association. Professor Bourne is a member of the American Academy of Political and Social Science, the American Historical and Statistical Associations. Besides many signed reviews in the *Yale Review*, *Political Science Quarterly*, and other journals, and many unsigned notes and reviews in the *Nation*. He has published :

"*The History of the Surplus Revenue of 1837*." Pp. 161. New York, 1885.

"*A Word About Silver*." *Cosmopolitan*, May, 1886.

"*Walter de Henley*." *The (London) Academy*, October 30, 1886.

"*The Origin of the Aryans*." *New Englander*, April, 1887.

"*The Etymology of Stamboul*." *American Journal of Philology*, Vol. VIII, No. 1.

"*The Recession of Niagara*." *The Nation*, March 19, 1891.

"*Bancroft's Life of Van Buren*." *Christian Register*, December 17, 1891.

"*The Demarcation Line of Alexander VI.*" Yale Review, May, 1892.

"*The Date of the Globe Called Schöner's Globe of 1523.*" The (London) Athenæum, August 27, 1892.

"*The Naming of America.*" Nation, October 6, 1892.

"*Seneca and the Discovery of America.*" The (London) Academy, February 11, 1893.

"*The Influence of the Discovery of America.*" Independent, October 26, 1893.

"*Alexander Hamilton and Adam Smith.*" Quarterly Journal of Economics, April, 1894.

"*Erasmus and Hvotswilha.*" Modern Language Notes, June, 1894.

"*Prince Henry the Navigator.*" Yale Review, August, 1894.

"*James Anthony Froude.*" Nation, October 25, 1894.

"*Evolution of American Political Parties.*" Public Opinion, January 31, 1895.

Dr. Irving Fisher has been appointed Assistant Professor of Political Economy in Yale University. He was born February 27, 1867, at Saugerties, N. Y. His early education was obtained in public and private schools at Peace Dale, R. I., New Haven and St. Louis, and his collegiate education at Yale University, where he took the degree of A. B. 1888. He remained at Yale for post-graduate study, taking the degree of Ph. D. in 1891, occupying, 1890-91, the position of Instructor of Mathematics. During the years 1891-93 he was Tutor of Mathematics at Yale, and in 1893 he was appointed Assistant Professor. The year 1893-94 he spent at the Universities of Berlin and Paris. In the year 1895 he has been transferred to the Department of Political Economy. Professor Fisher is a member of various learned societies. He translated for the ANNALS the paper of Professor Walras, the "Geometrical Theory of the Determination of Prices," (Vol. III, July, 1892), and furnished it with some valuable notes. He has also published:

"*Mathematical Investigations in the Theory of Value and Prices.*" Transactions Connecticut Academy of Arts and Sciences, 1892, Vol. IX. Pp. 124.

"*The Mechanics of Bimetallism.*" Economic Journal, 1894.

"*Bibliographies of Present Officers of Yale University.*" (Edited) 1893.

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IN ACCORDANCE with our custom we give below a list of the students in political and social science and allied subjects on whom the degree

of Doctor of Philosophy was conferred at the close of or during the last academic year.\*

**Brown University.**—James Quayle Dealey, A. B., A. M. Thesis: *History of the Development of the Texan Constitution.*

**Chicago University.**—John Cummings, A. B., A. M. Thesis: *The Poor Law System of the United States.*

Frederick William Sanders, A. B., A. M. Thesis: *An Exposition in Outline of the Relation of Certain Economic Principles to Social Readjustment.*

James Westfall Thompson, A. B. Thesis: *The Growth of the French Monarchy Under Louis VI.*

**Columbia College.**—George James Bayles, A. M., LL. B. Thesis: *The Office of Mayor in the United States.*

Roeliff Morton Breckenridge, Ph. B. Thesis: *The Canadian Banking System.*

Ferdinand E. M. Bullowa, A. M. Thesis: *The History of Sovereignty.*

Francis Walker, S. B., A. M. Thesis: *Double Taxation in the United States.*

**Cornell University.**—Mortimer Alexander Federspiel, Ph. B. Thesis: *The Origin of the Constitution of the United States.*

Clara H. Keer, Ph. B. Thesis: *The Development of the United States Senate.*

Laura Charlotte Sheldon, A. B. Thesis: *The Relation of the French Government to the American Revolution.*

Charles Clinton Swisher, A. B., LL. B. Thesis: *The Causes of the Mexican War.*

**Harvard University.**—William E. B. DuBois, A. B., A. M. Thesis: *The Suppression of the African Slave Trade in the United States of America.*

**Johns Hopkins University.**—James Curtis Ballagh, A. B. Thesis: *White Servitude in the Colony of Virginia.*

Arthur Fisher Bentley, A. B. Thesis: *The Units of Investigation in the Social Sciences.*

Charles Sumner Estes, A. B. Thesis: *Christian Missions in China.*

John Haynes, A. B. Thesis: *Risk as an Economic Factor.*

Samuel Rivers Hendren, A. B. Thesis: *The Indians of Colonial Virginia: A Study of their Institutions and Social Culture.*

\* See ANNALS, Vol. i, p. 293, for Academic Year, 1889-90; Vol. ii, p. 253, for 1890-91; Vol. iii, p. 241, for 1891-92; Vol. iv, p. 312 and p. 466, for 1892-93; Vol. v, p. 282 and p. 419, for 1893-94.

Rockwell Dennis Hunt, Ph. B. Thesis: *The Genesis of California's First Constitution, 1846-49.*

John Holladay Latané, A. B. Thesis: *The Early Relations between Maryland and Virginia.*

Thomas Francis Moran, A. B. Thesis: *The Rise and Development of the Bicameral System in America.*

John Archer Silver, A. B. Thesis: *The Provisional Government of Maryland.*

Masayoshi Takaki, S. B. Thesis: *The History of Japanese Paper Currency, 1868-90.*

Thaddeus Peter Thomas, B. P. Thesis: *The City Government of Baltimore.*

William Achenbach Wetzel, A. B. Thesis: *Benjamin Franklin as an Economist.*

**Lombard University.**—John McDuffie, A. B.

**University of Michigan.**—Frank Haigh Dixon, Ph. B. Thesis: *Railway Legislation in Iowa.*

**University of Pennsylvania.**—Lewis R. Harley, Ph. B. Thesis: *Our Diplomatic Relations With Great Britain; The Fisheries.*

Joseph S. Motoda, Ph. B. Thesis: *Confucianism.*

Benjamin F. Shambaugh, Ph. B. Thesis: *A Study of the State Constitution of Iowa.*

**Washington and Lee University.**—William Reynolds Vance, A. M. Thesis: *Slavery in Kentucky.*

**Western Reserve University.**—Charles Thomas Hickok, A. M. Thesis: *The History of the Colored Race in America.*

**University of Wisconsin.**—Charles Jesse Bullock, A. B. Thesis: *The Financial History of the United States, 1775 to 1789, with Special Reference to the Budget.*

Edward D. Jones, S. B. Thesis: *Theories of Commercial Crises.*

Orin Grant Libby, L. M. Thesis: *Distribution of the Vote of the Thirteen States on the Ratification of the Federal Constitution.*

**University of Wooster.**—C. H. McCaslin, A. B., A. M. Thesis: *Parallel between Roman and English Institutions: A Study in Comparative Government.*

J. A. McGee, A. B., A. M. Thesis: *Representative Government and Proportional Representation.*

**Yale University.**—Winthrop Edwards Dwight, A. B. Thesis: *Railroad Legislation since 1885 in England and the United States.*

Mary Graham, Ph. B. Thesis: *The Relations between Education and Poverty.*

Mary Louise Green, A. B. Thesis : *Church and State in Connecticut to 1818*.

Frank LeRond McVey, A. B. Thesis : *The Populist Movement*.

FOR THE academic year 1895-96, appointments to fellowships and post-graduate scholarships have been made in our leading institutions, as follows :

**Bryn Mawr College.**—*Fellowship in History*, Eleanor Louisa Lord, A. B., A. M.

**University of Chicago.**—*Fellowships in History*, James Fosdick Baldwin, A. B., Regina Katherine Crandall, A. B., Walter Scott Davis, A. M., James Walter Fertig, A. M., Ephraim M. Heim, A. B., Harriet Louise McCaskey, A. B., William Rullkoetter, A. B., and Cora Louise Scofield, A. B.; *in Political Economy*, Katherine C. Felton, A. B., Henry Waldgrave Stuart, Ph. B., George Tunell, S. B., Merle B. Waltz, A. B., and Henry Parker Willis, A. B.; *in Political Science*, Carl Evans Boyd, A. B., Ethel Adelia Glover, A. B., Joel Rufus Mosely, S. M., and Edmund Spencer Noyes, A. B.; *in Sociology*, Jacob Dorsey Forrest, A. M., and Paul Monroe, S. B.; *Armour Crane Fellowship in Political Economy*, Robert Franklin Hoxie, Ph. B.; *Graduate Scholarship in History*, Frances Ada Knox, A. B.; *in Political Science*, Thomas F. Wallace.

**Columbia College.**—*University Fellowships in Administrative Law*, Milo Roy Maltbie, Ph. B., and Delos F. Wilcox, A. B.; *in Comparative Jurisprudence*, J. A. Wright, Ph. B.; *in History*, A. C. Flack, A. B.; *in Political Economy*, S. J. McLean, A. B.; *in Sociology*, F. W. Sanders, A. B. and W. S. Uppard, A. B.

**Cornell University.**—*Fellowship in American History*, Frank Greene Bates, L. B.; *in European History*, Wilbur C. Abbott, A. B.; *in Political Economy*, William A. Rawles, A. B.; *President White Fellowship in Political and Social Science*, Fred S. Shepherd, A. B.; *Travelling Fellowship in Political Economy*, Adna Ferrin Weber.

**Harvard University.**—*Thayer Fellowship in Economics*, Howard H. Cook, A. B., A. M.; *in History*, W. H. Siebert, A. B., A. M.; *Tappan Fellowship in Economics*, O. M. W. Sprague, A. B.; *University Fellowship in Economics*, E. H. Warren, A. B.; *in History*, W. Nickelson, A. B., W. J. Whitney, A. B. and A. M. Wolfson, A. B.

**Indiana University.**—*Fellowship in History*, Miss Edith Bramhall, A. B.; *in Political Economy*, Wm. A. Rawles, A. M.

**Johns Hopkins University.**—*Fellowship in Economics*, Henry Ludwell Moore, A. B.; *in History*, Franklin Lafayette Riley, A. B.;

*Hopkins Honorary Scholars from Virginia and North Carolina*, J. A. C. Chandler, A. B., and E. W. Sikes, A. M.; *Hopkins Scholars from Virginia and North Carolina*, B. W. Arnold, Jr., A. B., W. S. Hancock and E. W. Kennedy, A. B.

**University of Mississippi.**—*Fellowship in History*, W. H. Drane, A. B.

**University of Wisconsin.**—*Honorary Fellowships in Economics*, James A. Beauchamp, A. B., James H. Hamilton, A. M., and Balthaser Henry Meyer, B. L.; *University Fellowship in Economics*, Nellie Page Bates, A. B.; *in History*, Frank Hayden Miller, A. M.; *in Political Science*, Samuel E. Sparling, A. B.; *Cincinnati Graduate Scholarship in Social Science*, Comadore Edward Prevey.

#### GERMANY.

**Munich.**—The chair in Public and Canonical Law at the University of Munich, made vacant by the death of Professor Joseph Berchetold, was filled April 1, 1895, by the election of Professor Carl von Stengel\* of the University of Würzburg. Professor von Stengel has recently written:

"*Die preussische Verwaltungsreform und die Verwaltungsgerichtsbarkeit.*" Schmoller's Jahrbuch, 1883.

"*Die Zuständigkeit der Verwaltungsbehörden und Verwaltungsgerichte.*" Pp. 178. Leipzig, 1884.

"*Deutsches Kolonialstaatsrecht.*" Annalen d. Deutschen Rechts, 1887.

"*Die deutschen Kolonialgesellschaften.*" Schmoller's Jahrbuch, 1888.

"*Alpwirtschaft und Alprecht.*" Zeitschrift d. deutsch-oesterreichischen Alpenvereins, 1889.

"*Gutachten über die Frage: Wie ist die Rechtspflege in dem Schutzgebiete zu ordnen?*" Verhandlungen d. XXI. deutschen Juristentags. Vol. I.

"*Die bayerische Gesetzgebung über Heimath und Verhehlichung.*" Verwaltungsarchiv. Vol. I.

"*Wörterbuch des Verwaltungsrechts.*" Supplementary Volume I, 1892. Supplementary Volume II, 1893.

"*Die bayerische Verfassungsurkunde vom 26 Mai, 1818, mit Commentar.*" Würzburg, 1893.

"*Staatsrecht des Königreiches Preussen.*" Marquardsen's Handbuch. Freiburg, 1894.

"*Die deutschen Schutzgebiete.*" 1895. (In press.)

\*See ANNALS Vol. i, p. 304, October, 1890.

**Strassburg.**—Dr. Ladislaus von Bortekewitsch became Privat-docent for Political Economy and Statistics at the University of Strassburg, March 2, 1895. He was born of Polish parents at St. Petersburg, August 7, 1868, and received his early education in the Gymnasium of St. Petersburg where he also attended the University from 1886–90. In the latter year he obtained the diploma of the first grade from the Juridical Examining Commission. In 1891, he studied in Strassburg and in 1892 in Göttingen, where he secured the degree of Ph.D. He continued his studies in Vienna, 1892, Leipzig, 1892–93 and Berlin, 1894. Dr. Bortekewitsch's writings include:

"*Mortality and Longevity of the Orthodox Population of European Russia.*" (Russian in the Proceedings of the Imperial Academy of Sciences). Pp. 120. St. Petersburg. 1890–91.

"*Die mittlere Lebensdauer.*" Elster's Staatswissenschaftlichen Studien, Bd. IV., Heft 6. 1893. Pp. 117.

"*Russische Sterbetafeln.*" Allgemeine Statistische Archiv, 1893.

"*Kritische Bemerkungen zur theoretischen Statistik.*" Conrad's Jahrbuch, 1894.

"*Leon Walras.*" Revue d'Économie politique, 1890.

The articles "*Lebensdauer*," and "*Sterblichkeit und Sterblichkeitstafeln*," in Conrad's "Handwörterbuch."

**Würzburg.**—Dr. Robert Piloty, Privat docent at the University of Munich, has been elected Ordinary Professor of Public and Administrative Law at the University of Würzburg, succeeding Professor von Stengel. He was born September 1, 1863, at Munich where he received his early education in the Max-Gymnasium, 1873–81. He studied law at the Universities of Berlin and Munich between 1881 and 1885. In 1888 he secured the degree of Doctor Juris at Munich, and became 1889, Privat docent at Würzburg whence he removed in a like capacity to Munich in 1891. Professor Piloty has written a number of short essays, particularly on the German insurance laws, and has contributed the German "*Chronique Politique*" to the *Revue du Droit Public* of Paris. He has also written:

"*Das Reichs-Unfallsversicherungsrecht, dessen Entstehungsgeschichte und System.*" Three Vols. of 300 pp. each, 1890, 1891 and 1893.

"*Die Arbeiterversicherungsgesetze des deutschen Reichs.*" 2 vols. Munich.

"*Die Verfassungsurkunde des Königreichs Bayern.*" Munich.

## BOOK DEPARTMENT.

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### REVIEWS.

*The Rise of Modern Democracy in Old and New England.* By CHARLES BORGEAUD. Translated by Mrs. BIRKBECK HILL with a preface by C. H. FIRTH, M. A. Pp. 168. Price, \$1.00. New York : imported by Charles Scribner's Sons, 1894.

Dr. Borgeaud's name and work has been recently called to the attention of the readers of the ANNALS by reference to his latest book "*L'Établissement et revision des constitutions en Amérique et en Europe*," published in 1893 and translated into English in 1895. For the writing of this work he had already been prepared by his "*Histoire du Plébiscite*," published in 1887, and by the two essays upon democracy which appeared in the "*Annales de l'école libre des sciences politiques*," in April, 1890, and January, 1891. These essays were translated in 1894 and form the little work of one hundred and sixty-eight pages before us.

Inasmuch as the ideas contained in this book have been known to scholars for four years, it will not be necessary to restate them or to review the contents of the book in their entirety. The main theses are, however, worthy of reiteration because they differ in many respects from views already presented and still widely held. First, Dr. Borgeaud maintains, although he nowhere expressly enters into the argument, that modern democracy is not the survival of primitive German or Anglo-Saxon freedom ; that it does not owe its development to any special love of liberty or to any spirit of individuality inherent in the Anglo-Saxon race ; that the only influence of "anti-iquity" is the influence of the ancient democracy of Greece and Rome, which never entirely disappeared during the middle ages. Secondly, Dr. Borgeaud maintains that modern democracy is the outgrowth of the religious revolution of the sixteenth century ; that it owes its development to the Calvinistic idea of self-government in church matters, transferred to England and applied to the domain of politics by Robert Browne ; that the principle of the sovereignty of the people, imprescriptible and inalienable, belongs peculiarly to the Reformation.

Briefly stated these ideas work out somewhat as follows : In England at the opening of the seventeenth century two marked and



divergent tendencies can be noticed, the first was in the direction of monarchical prerogative, aristocratic government and centralization on the political side and of ecclesiastical authority, ceremonial and conformity on the religious side, the second was a leveling tendency in the direction of equality among men, popular control of magistracies and representative government. These two tendencies naturally came into conflict and in the political revolution that followed a selected part of the more radical element left England and came to America. Now the political doctrines of these people can be clearly followed in their own writings. There was nothing especially original about these ideas, they had been held before this time. But no one had expressed them and acted on them at the same time. The source of these ideas was primarily the Bible, secondarily the Institutes of Calvin. In these Institutes is the initial expression of these ideas, whatever transformation they may have undergone afterward, or however much we may charge Calvin with aristocratic leanings. Calvin paved the way for democracy when he taught the severance of Church and State, the equality of all men before God and the right of congregations to appoint their ministers as over against the rights of sovereigns and superiors. The doctrine had in England a more radical interpretation and a more practical application than upon the continent except among the Anabaptists. Cartwright, following Calvin's teaching, strongly opposed the parish government of England as well as the Anglican establishment and advocated principles of local church management that were essentially Calvinistic in character. From the teaching of Cartwright and his followers there arose that body of Presbyterian Puritans who represented in England and America the more conservative wing of the radical party, a group of men, who recognized a national church and a consolidated organization. Over against this body stood the extreme radicals, the followers of Robert Browne who gave these doctrines a democratic expansion. First, Browne advocated the application of the principles of church government to civil life; secondly, that civil magistrates should be chosen with the consent of the people; thirdly, that true Christians were united into a company (a term applied to the craft-gilds), the members of which, by willing covenant made with their God, placed themselves under the covenant of God. This last statement was radical because it opposed both the Anglican and the Presbyterian idea. Browne's Puritan followers went a step farther when they said that the law for their religious governance should not be taken from the English statute book but from the Word of God.

In the later history of England these two phases of democracy were represented in the Presbyterian and Independent movements in the

Long Parliament, the outcome of which was the victory of the more radical party, whose principles were expressed in the famous documents of democracy, the "Instrument of Government," and the "Agreement of the People."

But the English phase of the movement was only partially successful, the influence of conservatism and tradition was too great. America was a free field untouched by tradition. The doctrine of the settlers of Massachusetts and Connecticut were the same as those of the Long Parliament. Each of the New England colonies, save Plymouth, was settled by representatives of one or other of these two parties, and the doctrines of the separatists were in close accord with those of the more radical Puritan wing. Therefore it is wholly to be expected that before the "Agreement of the People" had been drawn up there should have been an expression of these doctrines in written form in the "Mayflower Compact" and in the "Fundamental Articles of Connecticut." The "Agreement of the People" and the "Fundamental Articles of Connecticut" contain the principles of popular sovereignty, of supreme power vested in a single assembly proportioned according to the number of inhabitants, and of equality before the law.

All this is true as far as it goes, but it does not go far enough. Dr. Borgeaud does not explain why the English nature responded so quickly to the democratic ideas above noted, or why the English Puritan was more radical than the French Huguenot. Nor does he explain why these doctrines became the accepted doctrines of a great republic. Modern democracy has its root quite as much in the municipal struggle in England itself as in the religious struggle on the Continent, and we shall still have to reckon with racial characteristics before we can feel satisfied that we have found the conditions which have made modern democracy possible.

CHARLES M. ANDREWS.

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*George William Curtis.* By EDWARD CARY. Pp. 343. Price, \$1.25.

Boston: Houghton, Mifflin & Co., 1894. [American Men of Letters.]

The editor of this series, had he enforced a strict classification, would have assigned two-thirds of this volume to the well-known "American Statesmen" series. Over two hundred pages are given up to Mr. Curtis' career as a political editor, politician, anti-slavery agitator and reformer. Indeed it seems to us that it was in these great rôles that Mr. Curtis rendered his most important services to the people of this country, and for this reason belongs rather to our

statesmen than to our men of letters. His admirers cannot expect more than "honorable mention" for his best literary productions. His was not a creative, or dominating influence in American literature. Whereas in the accomplishment of great reforms in government and politics, his political wisdom and foresight, his intrepidity and persistence in the face of almost overwhelming opposition, and his success are unquestionable, and his power and influence for good in our national life great and enduring. Mr. Curtis proved himself one of those rare men who early perceive the need of reform and then forthwith resolutely set about educating the public and the leaders of the people with a view to securing the needed reforms.

The present volume is in the main a record, by an intimate friend, of Mr. Curtis' endeavors to right the wrongs of the slave, of his faithful participation in the practical, and to him often disagreeable, work of practical politics, of his course as an "Independent," and of his great work of promoting Civil Service Reform. We learn here how hard it was for him to bear up under the storm of abuse and revilings that came upon him when he broke away from his old party moorings in 1884. After this date, however, he became the recognized leader of the reform element in New York State and national politics. He interested himself, particularly as editor of *Harper's Weekly*, in many questions—the tariff, the currency, foreign matters and the relation of Congress to the President—but the major part of his time and energies he gave up to the prosecution of Civil Service Reform. The splendid work which he accomplished in this reform is shown in the remarkable progress, which we are every day witnessing, of this movement in municipal, State and national politics and governments. Mr. Cary has written his biography in an easy flowing style, and wherever possible makes Mr. Curtis tell his own story by giving numerous letters and extracts from his writings.

F. I. HERRIOTT.

Stuart, Ia.

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*The Organization of Charities : being a report of the Sixth Section of the International Congress of Charities, Correction and Philanthropy. Chicago, June, 1893. Edited with an introduction by D. C. GILMAN. Pp. xxxii, 400. Price, \$1.50. Baltimore: Johns Hopkins Press, 1894.*

This second volume, though the first to appear, of the proceedings of the International Congress of Charities, is described by President Gilman in the title to the introduction as a panorama of charitable work in many lands. The topic assigned to this sixth section of the

congress was the organization and affiliation of charities, and preventive work among the poor. The papers, however, deal for the most part with the problems of outdoor relief, and the way these problems are being met, especially in England and Germany. After the introduction appears the admirable oration by Professor Francis G. Peabody, with which the congress was opened. It represents the highest plane of American thought upon "the Problem of Charity."

Following this is an abstract of the discussions which took place at the four meetings of the section. The subjects discussed were the Demarcation of the Field of Voluntary Charitable Work, Friendly Visiting, the Relation of Public to Private Charity, Labor Colonies, and Relief in Work.

Of the thirty-five papers which make up the body of the volume, nine are of American origin, nine are from the Continent of Europe, while seventeen papers present the aims and methods of relief work in Great Britain. Nearly all the writers are officially connected with the work which they describe, and some of them are eminent authorities in the literature of charity.

Among the more noteworthy of the American contributions the reader will find an account of the methods and results of the work of the New York State Charities Aid Association by its leading spirit, Miss Louisa Lee Schuyler; a compilation by Mr. Alfred T. White, of the Brooklyn Bureau of Charities, of the organized efforts in some twenty-five American cities "for the temporary employment of men and women out of work where such employment is at once relief and labor test;" a suggestive paper on Friendly Visiting by Mrs. Roger Wolcott, of Boston, and a vigorous protest by Professor Amos G. Warner, against the too prevalent custom of subsidizing private charities from public funds.

Charity in France and Belgium is presented in an extended treatment, historical and descriptive, by M. Hubert Valleroux. He complains of the tendency on the part of the government "to replace the ancient form of charity, done by the faithful with their money and for the safety of their souls, by a charity done by the administration with the money of taxpayers and for electoral purposes."

Following this is a statistical paper on Italian Charities, by Signor Egisto Rossi, who expounds and praises the important law of 1890, which aims to correct the abuse of endowed charities by bringing all of them under governmental management.

Five German contributors treat of the Elberfeld System of Poor Relief as exemplified in the cities from which they severally write. Dr. Victor Böhmert, of Dresden, gives special attention to the private relief societies, which are unusually strong in his city, and their

co-operation with the public system through the Municipal Bureau of Information for Poor Relief and Charity. Another paper by the same author tells of the *Volkswohl*, a successful organization for the social improvement of working people. A brief paper from St. Petersburg closes the reports from continental Europe.

The numerous contributions from England, written for the most part by men and women who are connected with charity organization committees or the Poor Law administration in representative districts, were secured through Mr. C. S. Loch, of the London Charity Organization Society. This perhaps accounts for the plain scientific manner of treatment and the progressive ideas which characterize the papers.

One of the principal topics running through the volume is the much discussed problem of public outdoor relief. The most that English and American contributors say for it is that it sometimes seems to be necessary. Its free use is found to increase the poverty which it is supposed to relieve, and progress is largely measured by the extent to which it has been abolished. In continental Europe on the other hand we find a general lack of confidence in private relief agencies. Endowed charities and private societies are being brought under public regulation to prevent their abuse. At the same time the German cities that have adopted the Elberfeld system of public outdoor relief find it eminently satisfactory. This difference is well brought out in the present volume. The explanation of the difference has never been made entirely clear, and to these detailed and authoritative reports from the various fields of activity one naturally looks for new light upon this interesting question. As might be expected, the explanation is composite. In the first place, undoubtedly the Elberfeld system is of a higher order than any English or American system of public relief inasmuch as it enlists in the service a large body of public-spirited citizens and insures to the recipient of relief individual treatment by one who may be expected to be familiar with his condition. On the other hand it seems to be only in Anglo-Saxon countries that private charity has become sufficiently organized or sufficiently generous to be depended upon to meet the necessities of the poor. Again, public poor relief in Germany, in common with other branches of municipal administration, enjoys a freedom from the corrupting influence of party politics which seems quite beyond the reach especially of American administration. Another cause for the difference between German and American experience in public relief comes from the prevalence in the older country of ideas of frugality which are unknown here, at least in the domain of public expenditure. German almoners understand that their resources are limited, and being accustomed to wide-spread poverty, they expect small grants to suffice, but

the average American regards the public treasury as a boundless resource, and is pretty sure to think that the particular cases of poverty with which he is acquainted should be relieved with bounty.

In German cities placing the power of granting relief in the hands of honorary district visitors has usually resulted in a decrease in the amount of the grants. A similar plan in an American city would seem likely to result in an increased expenditure as dangerous to the permanent welfare of the poor as it would be burdensome to the taxpayer. German public relief has never become so bountiful as to need general curtailment in the interest of the poor themselves. Until it does German writers will fail to appreciate the American objection to the Elberfeld system. The discussion of Friendly Visiting at the Chicago Congress reached the conclusion (page 28) "that the friendly visitor is a failure when allowed to dispense alms." The best service in imparting strength to the weaker members of society is undoubtedly done by visitors who are not almoners, and where such visiting is combined with adequate relief from private sources, granted after friendly but expert investigation and council, we may justly claim to have a system of outdoor relief in advance of that of Elberfeld.

D. I. GREEN.

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*The Meaning of History, and Other Historical Pieces.* By FREDERIC HARRISON. Pp. viii, 482. Price, \$2.25. New York: Macmillan & Co., 1894.

These essays which Mr. Harrison has just given the public in connected form are not new. Nearly all of them have served as lectures or as magazine articles, and several were published a generation ago.

The greater part of the volume is devoted to a series of discussions of "The City: Ancient, Mediaeval, Modern and Ideal," with suggestive studies of Athens, Rome, Constantinople, Paris and London, with especial attention to the recent transformations which those cities have undergone. A "Survey of the Thirteenth Century" finds a place beside an essay on "What the Revolution of 1789 did," followed by a pointed comparative study of "France in 1789 and 1889." A discourse on "Palæographic Purism" adds spice to the collection.

The title of the volume, however, derives its significance mainly from the first four essays: "The Use of History;" "The Connection of History;" "Some Great Books of History;" and "The History Schools." As these have all been before the public for years, they need no detailed review at this time. It will be more in point to try to gather what light the essays, taken together, throw upon the meaning and use of history.

In the first place any criticism of these essays would be manifestly unfair, which should fail to take due account of their avowed purpose and of the class of readers whom they aim to serve. It is not to the historical specialist that Mr. Harrison offers new light. Nor does he aim to start a new fad among the leisure class. He seeks rather to turn into fruitful historical lines "the ordinary fireside reading in our mother tongue of busy men and women." The wider range of view, the truer perspective, the foresight-giving knowledge of the past, these are the grounds on which he urges the usefulness of history, not simply to the student, but to "the bulk of the people, if they are to live the lives of rational and useful citizens."

For these busy men and women he would not prescribe disconnected fragments, for, in his view, "history is the biography of civilized man: it can no more be cut into absolute sections than can the biography of a single life." Little sympathy or appreciation does he show for the research of the "conscientious annalist," who completes the history of each year in successive volumes, by the continuous study of an equal period. Such work seems to him sterile microscopy. Gibbon is his ideal historian. He delights to honor the historian who has "grasp," who paints things in the large. Entrance to his list of "Great Books of History" is secured not by exhaustive research, painstaking accuracy and judicial candor, but rather by comprehensiveness, perspective, poetic fervor and dramatic grouping. Hence, Guizot and Carlyle are exalted far above many an historian whose statements are more reliable.

In his choice of books Mr. Harrison is confessedly old-fashioned, yet he shows acquaintance with a very wide range of historical writings, and his suggestions are calculated to be of great service to those whom he seeks to help. For it is not the student recluse, but busy men and women that he would here incite to find in history that "biography of civilized man, the reading of which ought to fill us with emotion and reverence."

GEORGE H. HAYNES.

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*Deutsche Geschichte*, VON KARL LAMPRECHT. Band IV, Pp. xv, 488. Band V, Theil I, Pp. xiii, 358. Per Band, 6 Marks. Berlin: R. Gaertner's Verlagsbuchhandlung, 1894.

It was to be expected that the recent quickening of interest in social and economic studies should be reflected in the writing of history, just as the movements for constitutional government earlier in this century were accompanied by a succession of notable works on constitutional history. Professor Lamprecht, of Leipzig, is the first to

undertake a comprehensive history of Germany from this broader standpoint.

The author published, in 1885 and 1886, four bulky volumes on "*Deutsches Wirtschaftsleben im Mittelalter*," and monographs and lectures on kindred subjects have appeared since that time. He now addresses himself to the relation of the story, in its main features, of the whole life of the people, and, while not neglecting the political narrative, he seeks to present it in relation to the economic and intellectual life of successive periods, and so to analyze the relation of the various factors as to show us not only "what has been, but how it has come to be." The work is addressed to the general public, and is written in a style that is clear and attractive, while the arrangement of the material shows a sense of proportion that is in a German work exceptionally refreshing, and gives reason to hope for the completion of the whole within a few years and in not many more volumes. The volumes already issued have appeared in rapid succession, one each year since 1891, while 1894 gave us Volume V, Part I, in the spring, and in the autumn, Volume IV.

The unifying idea about which the complex phenomena are organized is the unity of the German race, struggling against countless obstacles for expression, now in mythological tradition, now in the borrowed form of a world-empire, now in a landed aristocracy or a trade league; now submerged by the rising tide of individualism, only to emerge at length in the popular consciousness of unity which is expressed in the modern German Empire. The limits of this review forbid the tracing of the development of this theme through the earlier volumes. The first covers the early immigrations and the Merovingian times, and is perhaps less satisfactory than those that follow, because the author is so largely on the controverted ground of pre-historic sociology, which is not so specifically his own as the economic life of the Middle Ages. Volume II, gives us the Carolingians, the origin of feudalism, and the fortunes of the Holy Royal Empire down to the middle of the twelfth century. The third volume covers the period of the Hohenstaufen, and describes the beginnings of the new economic system of money payments, whose further development, together with the collapse of the imperial power, is the theme of Volume IV. The fifth volume carries us, in the first part, well into the midst of the Reformation.

Volume IV includes, more definitely, a period of two hundred years from the end of the Interregnum of the thirteenth century. The thread of connection, in so far as it is possible to find one in a time of such confusion and disintegration, is sought in the influence of the money-system. (*Geldswirtschaft*.) This undermines the economic basis of feudalism, and prevents the possibility of attaining a national unity



through it. The new system finds its full expression in the towns, while the agricultural territory is almost excluded from its benefits. Hence the nobility and princes are constantly fighting against the burghers. The emperors are powerless to preserve peace or to equalize the economic development. Without effective support, financial or military, from the nation at large, each emperor is forced to maintain himself by building up a family domain in immediate subjection to himself. The papacy finds its revenues diminished under the new system, and the expedients to fill the gap are a prominent cause of the demand for reforming councils. The culture of the time was centred about the towns, where alone was wealth to support it. The surplus strength of the motherland was employed in the colonization of the East, and here arose the economic expression of national unity in the Hanseatic League.

But the cities could not transmute their gold into political supremacy, and out of the struggle emerges the territorial sovereignty of the princes, with an administration organized on the money basis, a kingship devoid of power, and an ultramontane church.

In the fifth volume the Reformation is depicted as part of the general movement toward individualism, and as shaped in its development by the social conditions imposed by the new economic system. The main current of the reform movement is traced to its intellectual and religious sources. The spread of the art and learning of the Renaissance, and the course of Luther's spiritual experiences are exhibited with great aptness of expression.

Yet the author seems to find the underlying cause of all in "the complete carrying out of the tendencies of the money-system and its consequences in the social and intellectual spheres." (p. 3.) The new system was assuming the form of large capitalistic enterprises and rings in the cities, while in the country the rich burghers were obtaining control of the land. Thus to the lesser nobles remained only the precarious living of robber-knights, and the peasantry was left in the position of a pariah class. When, then, the teaching of Luther appeared, supported by the force of his personality, it was natural that the exploited classes should ally themselves with the movement, and seek to direct it to their own ends. Hence the zeal of Sickingen and his knights, hence also the Peasants' War, and the echo that it found in the city proletariat. But, besides these extreme movements, the general response throughout the nation is regarded as the expression of an individualism that the money-system had developed.

Nothing is more difficult than to hold a just balance in determining the relative strength of historic forces. The economic movement has been so often left out of the account that it was perhaps necessary

that it should be strongly emphasized. Professor Lamprecht, while recognizing, as in his chapters on Luther, the presence of ideal and personal factors, is yet inclined to explain too much, if not everything, by the social-economic organization. Why was it that the use of the money-economy did not coincide in Germany, as it did in other countries, with national consolidation? Must we not seek the answer in considerations of race-characteristics and the inherited difficulties that beset the kingship,—that is in ethnic and political rather than in economic causes?

But it must not be inferred that the work is a materialistic polemic, like Buckle's civilization. On the contrary, the author often tantalizes us with a bare statement of some application of his thesis, without connecting it with the facts in hand. The book is rather to be compared to Green's "English People," and it seems likely to hold for the history of Germany an analogous place. Nowhere is there to be found a clearer account of political events, nowhere a more fascinating description of town-life; art and literature are given their proper place, and discussed with discriminating taste. As a comprehensive and readable presentation of German History as interpreted by German scholarship of to-day, Professor Lamprecht's work is a great boon.

R. C. CHAPIN.

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*The Baronage and the Senate, or the House of Lords in the Past, the Present and the Future.* By WILLIAM CHARTERIS MACPHERSON. Pp. 370. London: John Murray, 1893.

The first two hundred and seventy pages of this book are devoted to a consideration of the House of Lords, of the charges advanced against it by the Liberal party in Great Britain, and of the remedies to which the members of that party would resort in view of its supposed evils. The history and constitution of the House of Lords are briefly reviewed, and the author brings clearly to light the fact that while the peers are, in origin, a baronage, the House of Lords is by no means composed exclusively of hereditary legislators. Considerable space is taken to prove that the idea that the House of Lords is composed entirely of hereditary legislators is based on a misconception. An analysis shows that in 1892, of the 541 members of the House of Lords, 383 inherited their seats; 86 of the remainder were new peers; there were 5 Lords of Appeal; 15 peers were elected from Scotland and 26 from Ireland, adding to these the 26 bishops, we find 158, out of a total of 541, who did not inherit their seats.

The author then considers the case of the Radicals against the House of Lords, "that it is aristocratic" and "that it oppresses the people."

He endeavors to prove that both of these charges are unfounded. He maintains that the Tory peers in their opposition to the first Reform Bill and the removal of nonconformist disabilities were animated by high and worthy motives; that their opposition to the removal of Roman Catholic disabilities was not without extenuation or excuse. He further maintains that far from oppressing the people at the present day, the House of Lords is the main security that the will of the people shall be clearly ascertained in order that it may afterward prevail. He then scrutinizes the remedies proposed by the Radicals. The two principal schemes, *i. e.*, "abolition of the House of Lords" and "its conversion into a United States Senate," he considers "crude, ill-considered and impracticable."

The Radical party's charges, above considered, are unfounded, still there is a just ground for complaint "in the callous and contemptuous treatment of measures that have passed the House of Commons at the hands of the peers who as a rule take no part in politics and pay little or no attention to political questions." The author thinks that the present structure of the House of Lords needs to be modified and that this must be done by decreasing or abolishing the number of "hereditary legislators," and increasing the number who, because of certain qualifications, are appointed for life. In this reorganized upper chamber the colonies must be represented as they should be in the House of Commons. The hereditary peers should elect a certain number to represent the peerage in the House of Lords.

Part IV of the book is very satisfactory, but the first three parts are too long. The author devotes altogether too much space in them to questions of minor importance. The gist of the book is that instead of a baronage the upper chamber should be an imperial senate, containing representatives from all parts of the British Empire. "Hereditary is the essence of a baronage; selection is the essence of a senate."

J. Q. ADAMS.

*University of Pennsylvania.*

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*Europe 476-918.* By CHARLES OMAN. (Periods of European History.) Pp. 532. Price, \$1.75. New York and London: Macmillan & Co., 1893.

*The City-State of the Greeks and Romans.* A Survey Introductory to the Study of Ancient History. By W. WARDE FOWLER. Pp. 332. Price, \$1.10. London and New York: Macmillan & Co., 1893.

In his volume on "Europe 476-918" Mr. Oman has the advantage of dealing with a period of which there exists no continuous narrative

in English. As we should expect from his previous books, the author gives a well-written, and in the main trustworthy account of political and military affairs. The narrative is limited to the Continent and gives rather more space to Eastern Europe than is usual in books of this kind. There are maps and genealogical tables, but no references to sources or to modern works. The book, as a whole, gives the impression of being designed as a manual for those who wish to "get up" the period rather than as an introduction to further study. Emphasis is laid on the facts of dynastic and military history rather than upon the underlying constructive forces that were making a new Europe out of the turmoil and confusion of this transitional age. The Church is treated only in its relations to political history, without reference to the development of ecclesiastical organization or the growth and influence of monasticism. We look in vain for some description of the beginnings of feudalism, which is quite ignored until the time of Charles the Bald, and then almost taken for granted. One familiar with recent investigations in this field would hardly dismiss Charles Martel with the statement that "he occasionally laid military burdens on church-land" (p. 295), or say that the day of feudal cavalry was "just beginning" in the time of Charles the Bald. Mr. Oman's apparent ignorance of the part played by cavalry in the growth of the feudal system is the more remarkable since he has given an excellent account of the military results of feudalism—how "it was the mailed feudal horseman, and the impregnable walls of the feudal castle, that foiled the attacks of the Dane, the Saracen, and the Hungarian." It is evident that the author is more at home in the history of Eastern than of Western Europe, but after making all allowance one is surprised to find (p. 372) that in the time of Charles the Great "a barbarian Augustus would be unprecedented."

Mr. Warde Fowler's little volume on "The City-State of the Greeks and Romans" is an attempt to "construct in outline a biography, as it were, of that form of state in which both Greeks and Romans lived and made their most valuable contributions to our modern civilization, tracing it from its birth in pre-historic times to its dissolution under the Roman Empire." Such a biography was well worth the writing. No one can begin to understand Greek or Roman political life without grasping clearly the idea of the ancient City-State, which differed from the modern state in being a city, and from the modern city in being at the same time a state. Only in this way can one appreciate the fundamental differences between ancient and modern politics and avoid the misleading comparisons in which those differences are persistently ignored. Mr. Fowler's book cannot help

proving useful to students both of history and of political science. Even if we should grant the author's contention that the book contains "absolutely nothing new," he would place us under obligation to him for the fresh and stimulating manner in which he has set forth that which is old but too often overlooked. He explains the nature of the City-State and sketches the chief epochs in its history without any of the special pleading or insistence on one idea which characterize such a book as "The Ancient City" of M. Fustel de Coulanges. At the same time the book has many suggestive statements like the following, on page 315: "Cicero stands in this respect to Rome as Demosthenes to Athens; he was the last-born legitimate son of the Roman City-State . . . This is obvious throughout his writings, and is the real clue to the right appreciation of his political career."

CHARLES H. HASKINS.

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*A Constitutional History of the House of Lords.* By LUKE OWEN PIKE. Pp. xxxv and 405. Price, \$4.00. London and New York: Macmillan & Co., 1894.

The author of this volume is a barrister-at-law, assistant keeper of the Public Records and editor of the "Year Books" published under the direction of the Master of Rolls. He has had, therefore, opportunities for producing a work at first hand, and the internal evidences go to prove that he has lived up to his opportunity in this respect. He cites abundantly the original sources of his facts, and indicates some instances in which his more careful investigation into the sources has led to the correction of long standing and oft repeated errors in the writings of Blackstone, Hallam and others.

The declaration is made that the author has written without political bias, and that the arrival of his work has not been influenced by the present agitation over the House of Lords. While the general tenor of the work supports this statement, yet we must regard the publication of the work as very timely indeed. But it would have seemed even more so to the student of practical politics had he seen fit to investigate, "without political bias," those great conflicts between the lords and commons for political supremacy in Parliament. Such a discussion would have thrown some light on the present peculiar position of the lords. It is now very evident that Great Britain, as well as the rest of the world, needs light just now, for what to do with the "chamber of all the prejudices" is just now very far removed from settlement, and in spite of recent agitations public sentiment does not point to either "ending or mending" the lords. In fact their successful opposition to Home Rule seems to have made

them aggressive, for Lord Chancellor Herschel felt compelled, on the last night of debate over Home Rule, to emphatically call the lords to remember that the making and unmaking of ministries belonged exclusively to the commons. One must regret, therefore, that this work gives little attention to the House of Lords of to-day, and omits most interesting controversies in which the lords have been deeply involved.

The work is divided into fifteen chapters. Chapter I discusses the origin of titles, and the classes represented in the Witan in the Pre-Norman Period. Chapter II traces the source of the "Ideas of Nobility and Succession" introduced by William the Conqueror. Chapter III explains the effects of the conquest down to Henry I. by showing how Saxon nobility were superseded by foreigners, who controlled the Witan. In Chapter IV is worked out the differentiation of governmental functions from Henry I. to Edward III. Chapters V, VI and VII are devoted to Earldoms and Baronages. The rise and decay of the power of the spiritual lords fills Chapter IX, while X and XI relate to the origin and nature of the judicial functions of House of Lords—especially appeals and impeachments. The last hundred pages brings one into touch with questions of more modern import and interest, such as the legislative power of the lords and the effect upon their constitution produced by relations with Scotland, Ireland, and the rise of democracy.

As a storehouse of well-authenticated facts, the work will be welcome to all students of English history, but for setting forth and explaining the various phases of life through which the lords have passed, and for indicating their later tendencies one must look to some future historian of Parliament.

W. H. MACE.

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#### NOTES.

MRS. R. M. ATCHISON, the author of an essay, entitled "Un-American Immigration"\* belongs to the hysterical school of political writers, and had she lived a hundred years ago would have made a liberal use of italics and capitals, a practice no longer sanctioned. The title itself is a fair specimen of the author's redundancy, for it might justly be observed that immigration is necessarily un-American. But not to cavil at phrases suffice it to say that the author in the main sustains her thesis that the present immigration is undesirable. There can be no doubt that there has been a deterioration in the quality of

\**Un-American Immigration*. By RENA MICHAELS ATCHISON. Pp. 198. Price, \$1.25. Chicago: Charles H. Kerr & Co., 1904.

immigrants to our shores, and we think this point has been established. In a subject which demands such delicate treatment as the relations of the different racial elements in our population, a certain coolness and deliberation seems preferable to the intensity of the writer.

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HENRY M. FIELD'S "Our Western Archipelago" adds another volume to the author's already long list of works of travel.\* Mr. Field's extensive travel and his personal knowledge of famous men, including his brother Cyrus W. Field, make his writings interesting reading. His books are mainly composed of description of scenery, accounts of conversations with those whom he meets, and the story of the experiences and incidents of the journeys made. There is but a modicum of economic discussion given, and this comes as no small disappointment to the person who is reading books of travel for data concerning industrial conditions. By "Our Western Archipelago," Mr. Field means the group of islands extending along the coast of Alaska. The trip to the Pacific was made by the Canadian Pacific, and the first third of the book is an account of his journey from Montreal to Vancouver. Somewhat less than a third of the volume is devoted to the Archipelago and Alaska. The last ninety pages contain an account of what the author saw and heard in the State of Washington, the City of Portland, along the Northern Pacific and in the Yellowstone National Park, to which the last four chapters of the book are devoted. This book is not especially meaty, but nevertheless contains enough of interest and value to repay reading. What is told is well stated. The author's personality is always at the fore and adds much to the charm of his book.

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PROFESSOR ALCÉE FORTIER'S "Louisiana Studies"† are divided into three parts, which are indicated in the sub-title of the work. The English here and there is poor and a somewhat too personal tone pervades the narrative portions, but interest grows on the reader, and he is not likely to lay aside the book till he has looked through it. In value and attractiveness Part II, on customs and dialects, ranks ahead of Part I, on literature. The subjects of these two parts are the ones the author is best qualified to deal with. What Professor Fortier has begun to do in these studies for Louisiana should be done for every

\* *Our Western Archipelago*. Illustrated by HENRY M. FIELD. Pp. 250. Price, \$2.00. New York: Charles Scribner's Sons, 1895.

† *Louisiana Studies: Literature, Customs and Dialects; History and Education*. By ALCÉE FORTIER. Pp. 307. Price, \$1.50. New Orleans: Hansell & Bro., 1894.

State in the Union, by some one as enthusiastic and as competent as he. His hope that the studies will prove of interest both to those within that State and to those without can scarcely fail to be realized.

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IT WOULD BE difficult to find a more readable book than the "English Seamen in the Sixteenth Century" \* by the late Professor Froude. The book consists of nine lectures written to prove the thesis that the crippling of Spain during the sixteenth century, the defeat of the Armada, and the success of the Reformation in England were due to the private fleets of the Protestant "adventurers," commanded by Hawkins, Drake and the other rovers of the ocean, who were ready to fight England's battles at the expense of the enemies of the country. The condition of the religious parties of Great Britain, and the military and naval defences of the country are most vividly portrayed. The analysis of Queen Elizabeth's character is masterful, and the book throws much side light on the reign of that remarkable woman. The author claims that "The English sea power was the legitimate child of the Reformation. It grew . . . directly out of the new despised Protestantism." Every student of the Reformation will do well to read these lectures.

Every reader of the book will be impressed with at least two things, the author's ardent championship of protestantism and his wonderful power of narration. In his pages the stories of Hawkins and Drake become as thrilling stories of the sea as are to be found in fiction. There is nothing dull between the covers of the work. Many will probably feel that true historical writing cannot be made so much like a drama as are some of the chapters of this book; but if the vivifying power of Froude were ever rightly used it is in handling this theme, in portraying the deeds of the English adventurers of the sixteenth century. The author seems to have established his thesis, and, in this case at least, to have done so without distorting history.

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THERE IS PROBABLY no other branch of study whose treatment has received greater improvement than geography. The subject has been given a more central and important place both in secondary and college education, and this has quite changed the content of the instruction given under the term geography. The text-book now treats of "the earth as the home of man," and in order to accomplish its purpose makes free use of the latest revelations that have been made by geology,

\* *English Seamen in the Sixteenth Century*. Lectures delivered at Oxford Easter Terms, 1893-94, by JAMES ANTHONY FROUDE. Pp. 228. Price, \$1.75. New York: Charles Scribner's Sons, 1895.



botany and biology. The geological and geographical work being done by the United States Coast and Geodetic Survey and Weather Bureau is also of great assistance to the writer on geography. The very recent book by Alex. Everett Frye \* makes possible a complete transformation in secondary geographical instruction. This work is an admirable statement of the new concept of geography. The treatment includes (1) an exceptionally clear outline of the forces which have given the home of man its present features and characteristics, (2) a description of the orography of North America and the other continents, (3) a study of the races which inhabit the earth, (4) of the plants and animals of most importance, (5) a brief analysis of commerce, and then (6) follows a study of the political and industrial geography of the United States, based on the discussions contained in the former sections. The special study of foreign countries is rightly made briefer than that given the United States. It would be difficult to commend the book too highly. When future students prepare for college their study of geography will be a valuable preparation for their college work in the natural sciences, economics, political science and history. There is at present no subject of which the college student is more ignorant than geography. This simply means that present methods of instruction are faulty and inadequate. Reform seems to be promised.

Another work written contemporaneously with the above, and conceived in the same spirit is the "Lessons in the New Geography," by Professor Spencer Trotter. † This little book is written for the purpose of showing to what extent physical geography, botany, zoology, anthropology and the study of commerce contribute material for the lessons in the new geography. The subject is as broadly conceived by Professor Trotter as by Mr. Frye, but the treatment by Mr. Frye is much more successful. Professor Trotter has written for teacher and general reader as well as for the student, and his work is thoroughly suggestive. Mr. Frye in setting out to make the best possible textbook has accomplished more for the pupil and quite as much for the teacher and reader.

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"A PATHFINDER IN AMERICAN HISTORY" ‡ is a helpful book, written by two practical schoolmasters of New England, for the use

\* *Complete Geography*. By ALEX. EVERETT FRYE. Pp. vii, 208. Price, \$1.55. Boston and London: Ginn & Co., 1895.

† *Lessons in the New Geography for Student and Teacher*. By SPENCER TROTTER, M. D., Professor of Biology in Swarthmore College. Pp. viii, 182. Boston: D. C. Heath & Co., 1895.

‡ *A Pathfinder in American History*. By W. F. GORDY and W. I. TWITCHELL. Pp. 411. Price, \$1.20. Boston: Lee & Shepard, 1893.

of teachers of our national history in primary and secondary schools, public and private. It is a fitting response to the growing demand, by no means confined to educators, for systematic and thorough training for American citizenship. The book supplements and with rare intelligence directs the efforts teachers are making all over the land to construct and operate successfully a plan of work in American history for primary, intermediate, and lower grammar grades.

The "Pathfinder" makes a place for American history in the first year of the child's school life, and so skillfully combines history with language, literature, reading, geography, that the nineteen out of every twenty pupils who never get beyond the grades may be sent into their life-work with at least as much knowledge of our national history as of mathematics and literature. Fortunately this knowledge will not be confined to drum-and-trumpet history; for the book lays especial emphasis on our social, industrial and commercial development. The plan takes more time than the old method—rather want of method—but in the end it will save time.

The "Pathfinder" can be heartily commended to every teacher who wants inspiration for the teaching of history, and detailed information concerning methods and concerning historical books and their cost.

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IT IS HIGHLY creditable to our reading public that we at length have a translation of Gregorovius' *History of Rome*.<sup>\*</sup> This translation is not due to a demand from scholars, for they have been using the original for more than a generation. It is published by firms of wide experience who know what will be read, and the price is so low that they evidently count upon an extensive demand. It is safe to predict that the eight volumes of Gregorovius will take their place between Gibbon's "Decline and Fall" and Milman's "Latin Christianity."

The author modestly deprecates a comparison with Gibbon's great work and his theme is ostensibly a narrow one. But the history of the city of Rome can be understood only by studying the history of the Roman Catholic Church and of the Holy Roman Empire. Naturally some subjects must be lightly touched upon or wholly passed over. But as a whole Gregorovius is a capital guide to the history of the thousand years commonly designated as the Middle Ages. And a feature of the work, which enhances its value and which will arouse and hold the interest of many readers, is the thorough topographical

<sup>\*</sup> *History of the City of Rome in the Middle Ages*. By FERDINAND GREGOROVIVS. Translated from the fourth German edition by ANNIE HAMILTON. Vols. I and II. Pp. 505, 516. Price, \$3.75. London: Geo. Bell & Sons; New York: Macmillan & Co., 1894.

knowledge of the author. The sections which treat of architecture and of the vicissitudes of the buildings and art treasures of Rome form the best treatise that we have. Here the author is especially at home and is actuated by a sincere love for the Eternal City. To the interest aroused by these chapters we owe the present translation.

Two volumes of the translation have been published. They include the history of four centuries from the entry of Honorius into Rome in 403, to the coronation of Charlemagne in 800. In the earlier part some will compare the present work with Hodgkin's more brilliant account. The compression of Gregorovius prevents such lifelike pictures as are allowed on Hodgkin's larger canvas. But the account here is clear and furnishes in brief compass an excellent narrative of the confusion incident to the decay of the old civilization and the rise of the new. Its very briefness will commend it to the general reader and make it especially valuable for collateral reading in college classes. The author is conscientious and conservative. When he has insufficient testimony, he states the question frankly and gives the best references, without attempting a decision. But it is superfluous at the present day to praise the scholarship of a Gregorovius.

There are occasional infelicities in the English version, but on the whole it reads smoothly. In some places the translator has failed to grasp the exact meaning of the original, but this seldom mars the work seriously. It would be ungracious to find fault with such a labor of love, except in the hope of improvement in the succeeding volumes. Although the translator will continue her work—and we hope speedily—she has supplied a sufficient index for these two attractive volumes.

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UNDER THE TITLE "The Question of the Houses,"\* a Yorkshire schoolmaster, Charles A. Houfe, examines the mooted abolition of the House of Lords, with much good sense and a certain vehemence of language. He justly maintains that it is a question of two houses and not of one only. The Commons after such a change would become the exclusive power, controlling not only ordinary legislation, but clothed with constituent power capable of determining the conditions of its own existence. The author not only opposes but denounces a uni-cameral system. The British Constitution in the Crown and Ministry, the Parliament and the electorate, combine the governmental principles of monarchy, oligarchy and democracy. Each branch contains in itself moderating checks. Remove the second chamber, and the unchecked oligarchy would gradually subdue to itself the other

\* *The Question of the Houses.* By CHARLES A. HOUFE. Pp. 130. Price, 2s. 6d. Westminster: Archibald, Constable & Co., 1895.

elements. The dilemma of the advocates of the bi-cameral system that there is no rational basis for a second chamber, forces the author to the advocacy of the historical basis. Yet he would moderate the House of Lords by limiting the number of members, and permit the infusion of new blood within this number by abolishing the hereditary right to a seat in the house after the third generation. The function of the lords is to revise, not to obstruct. In case of conflict between the houses, let the electorate decide by direct vote upon the disputed question. To insure intelligent action let each side state its case authoritatively, let the government print these statements in the same pamphlet and distribute it gratuitously to the electors.

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THE MOST RECENT issue of the collection of economic writings edited by Professors Brentano and Leser, is a translation into German\* of the old English work recently reëdited by Professor Cunningham, (1891), and published with the title, "A Discourse of the Commonweal of this Realm of England." The work which first appeared in print in 1581 with the initials W. S. has been variously attributed by more or less learned editors to William Smith, William Stafford and even to William Shakespeare. Earlier manuscripts having been found the date of the work is thrown back to the year 1549. W. S., whoever he may be, is a mere editor and not the author. The work which is one of the earliest English writings of economic questions, treats especially of the debasement of the currency under Henry VIII., and of the changes of agricultural methods. Although it has been published in six editions in England the present is the first translation into a foreign tongue. It is here enriched with copious notes.

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DURING THE LAST few years so much light has been thrown upon the history of ancient civilizations, that now possibly we may begin to co-ordinate the results. By the labors of such scholars as Maspero, Flinders, Petrie and Hilprecht, thousands—literally—of new documents have been discovered and interpreted. The lacunae still are many, but some things may now be predicated as certain. The results of this investigation are for the most part practically inaccessible to the general English reading public as they are embodied in learned publications and often printed in foreign languages. During the last few months new books have appeared—notably Maspero's "Dawn of Civilization" and Erman's "Life in Ancient Egypt"—which obviate

\**William Stafford's Drei Gespräche über die in der Bevölkerung verbreiteten Klagen*, herausgegeben von M. E. LESER. Pp. xix and 193. Price 3 mk. 40 pf. Leipzig; Duncker & Humblot. 1895.

the difficulties for Egypt and Babylon. But no such volumes were accessible when Simcox's "Primitive Civilizations" \* was published.

As Mr. Simcox is not an original investigator, his work is conditioned necessarily by the fullness of the materials made accessible by others. Consequently we have 250 pages for Egypt, 150 pages for Babylonia, and 22 pages for Phœnicia and Carthage. He has studied the Chinese civilization most fully, and to that is devoted almost the whole of the second volume. He believes that the kinship of the Chinese with the Egyptians and Babylonians will be established, and that the life of the latter may be interpreted by analogies drawn from the fuller material accessible for the former. With the knowledge of the recent Chinese-Japanese War, it is amusing to read Mr. Simcox's enthusiastic account (Vol. I, p. 142) of the excellent fighting abilities of the Chinese. Other observations are probably as little accurate as this.

Although he disclaims "studying history for 'profit'"—whatever that may mean—the author has constantly before his mind the idea that the modern "political civilizations" may study to good advantage the ancient "domestic civilizations" which were "nearer to the 'state of nature'" than the present nations. The lesson which he teaches is a little vague and, in fact, when he deserts his authorities, his style has a certain elusiveness and lack of continuity which is unsatisfactory. But the book is interesting, and will be useful to many who would not know where else to obtain the same information. The work is adequately indexed, and the second volume contains 100 pages of appendices on a dozen subjects ranging from Egyptian chronology to the Report of the Malabar Marriage Commission.

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THE AMERICAN ASSOCIATION for the Advancement of Science will hold its forty-fourth meeting at Springfield, Mass., from August 28 to September 5, 1895. The first general session will be held in the Y. M. C. A. building at 10 a. m. on Thursday, August 29. It will be devoted to the addresses of welcome, the reply by the president, the announcements by the secretaries, etc. In the afternoon the vice-presidents of each section will deliver their annual addresses. Section I (Economic Science and Statistics) will meet in the Parish House of Christ Church; Vice-President B. E. Fernow will speak on "The Providential Function of Government in Relation to Natural Resources." On Monday evening, a general session will be held, at

\* *Primitive Civilizations, or Outlines of the History of Ownership in Archaic Communities.* By E. J. SIMCOX. Two volumes. Pp. 576, 554. Price, \$10.00. London and New York: Macmillan & Co., 1894.

which the retiring president, Dr. Daniel G. Brinton, of Media, Pa., will speak on "The Aims of Anthropology." On Friday, August 30, Monday, Tuesday and Wednesday, September 2, 3 and 4, a general session will be held each morning, and the sections will hold separate meetings in the afternoon.

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THE AMERICAN SOCIAL SCIENCE ASSOCIATION announces that its general meeting for 1895 will be held in Saratoga from September 2 to September 6. The opening address will be delivered by the President, F. J. Kingsbury, LL. D., on the evening of September 2. His subject will be "The Tendency of Men to Live in Cities." Each of the following four days will be devoted to one of the departments of the association: Tuesday, to the Department of Education; Wednesday, to the Department of Health; Thursday, to the Department of Jurisprudence, and Friday, to the Department of Finance and Social Economy.

Friday morning will be taken up with a discussion of the Silver Question; the first paper being on "The Silver Problems of the World" by Professor J. W. Jenks, of Cornell University. This will be followed by a conference opened by President Francis A. Walker, and continued by Comptroller Eckels, Senator Jones, of Nevada, Hon. Horace White, of New York City, and Mr. Patterson, of Tennessee.

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THE NATIONAL PRISON ASSOCIATION of the United States announces that its annual congress for 1895 will be held in Denver, Colo., from September 14 to 18. The evening session on Saturday, September 14, will be devoted to the addresses of welcome and the annual address of the president, General R. Brinkerhoff. On Sunday morning, Rev. Wm. F. Slocum, D. D., will preach the annual sermon. In the evening, there will be addresses by Rev. Frederick H. Wines and Miss Jane Addams on "Methods for the Prevention of Crime." On Monday morning, the meeting of the Wardens' Association will be held, and in the afternoon the meeting of the Chaplains' Association. At this session, Rev. J. H. Albert, of Stillwater, Minn., will read a paper on "Barriers Against Crime." At the Monday evening session, Professor Amos G. Warner, of the Leland Stanford Jr. University, will read a paper on "Politics and Crime." On Tuesday and Wednesday, September 17 and 18, the morning and afternoon sessions will be devoted to committee meetings. On Tuesday evening, Rev. J. H. Crooker, of Helena, Mont., will deliver an address on "The Ethical Aspects of Crime."

A CALL, DATED New York, July 15, 1895, has been issued for a conference of the friends and advocates of Proportional Representation, to be held at Saratoga, opening on Tuesday, August 27, 1895, and continuing probably three days. The meetings will be held in the Court of Appeals room, under the auspices of the Proportional Representation Society of New York and the American Proportional Representation League. They will be open to the public. All friends of this method of electing representatives to legislative bodies and those interested in the cause of good government, are invited to attend.

Hon. William Dudley Foulke, of Richmond, Ind., will preside over the sessions. Papers or reports to be read should be sent to the Secretary of the Committee of Arrangements (M. N. Forney, 47 Cedar St., New York City), early enough to be printed. The members of the committee are authorized to receive or decline any of them; assign places in the proceedings for such as are accepted, and invite speakers to discuss them. Advocates of the reform and others interested therein, unable to attend the meetings, are invited to send short papers or reports of the progress and results of the working of proportional representation, wherever it has been adopted.

Appended to the call is a brief exposition of proportional representation; what it is, what it will do, and how it will do it.

## NOTES ON MUNICIPAL GOVERNMENT.

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[This department of the ANNALS will endeavor to place before the members of the Academy matters of interest which serve to illustrate the municipal activity of the larger cities of Europe and America. Among the contributors are: James W. Pryor, Esq., Secretary City Club, New York City; Sylvester Baxter, Esq., Boston *Herald*, Boston; Samuel B. Capeu, Esq., President Municipal League, Boston; Mr. A. L. Crocker, Minneapolis; Victor Rosewater, Ph. D., Omaha *Bee*, Omaha; Professor John Henry Gray, Chairman Committee on Municipal Affairs, Civic Federation, Chicago; Jerome H. Raymond, Ph. D., University of Chicago; F. L. Siddons, Washington, D. C.; Donald B. MacLaurin, Esq., President Civic Federation, Detroit, Mich.]

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### AMERICAN CITIES.

**Philadelphia.**—Recent events serve to illustrate very clearly the peculiar relations existing between State and municipality in this country, and more especially the dangers which accompany a departure from a unified and well co-ordinated form of government. The history of the Public Building Commission of Philadelphia is the history of an attempt, extending over a period of twenty-five years, to burden the inhabitants of the city with the construction of the most expensive city hall of modern times. The continued protests of the citizens have been of no avail as against the determined purpose of the State Legislature. When, in 1893, a bill for the abolition of the Commission was passed by both houses and approved by the Governor, there was a momentary feeling of relief which was dispelled by the decision of the Supreme Court declaring the act to be unconstitutional. At the time when the Commission was established, it appeared, to many, to be the safest means of carrying on so large an undertaking. Time, however, has shown that such public commissions, when removed from popular control, cannot in the long run withstand the temptations bound to beset them. We have here, on a small scale, an illustration of the inadequacy of the temporary expedients to which our cities are apt to resort in order to meet manifest evils. Instead of facing the problem squarely, we follow the path of less resistance which does not always mean the path of progress. The recent application of a large manufacturing concern,\* asking the courts to compel the city to levy a special tax for the payment of bills which have been due for some time, has brought to light the peculiar business methods of the Public Building Commission. The construction of the tower of the new City Hall according to the original estimates, was to cost about \$325,000. It was made the

\* Tacony Iron and Metal Company.



subject of a special contract between the Commission and a company specially incorporated to do the work. Instead of receiving bids at a fixed price, the Commission agreed to pay the cost of machinery, materials, tools and labor which would be necessary in the construction and setting up of the iron work used for the tower. Furthermore, to pay to the company a bonus or profit of fifteen per cent of the cost of construction, and, finally, to engage a superintendent of construction at a salary of \$208 per month, and a civil engineer at a salary of \$416 per month. These two officials are at the same time the president and vice-president of the Construction Company. It will be seen that the Commission has thus involved itself in a complicated arrangement with a company in which the city is a silent partner. Under this system, it is impossible to get at the exact relation which the price at present paid by the city would bear to the ordinary competitive contract cost of construction. Up to the present time the cost of the tower alone has been nearly \$675,000. It is impossible to foretell the exact cost of completion.

The veto of the Governor has recently been the means of averting a threatened obstacle to the extension of municipal public works in the cities of Pennsylvania. Some months ago, an act was passed requiring cities to compensate existing gas companies before constructing municipal gas works. The opportunity thus afforded to companies owning antiquated gas plants to recoup themselves from the public treasury was manifest to all, and, in fact, was one of the main influences behind the bill. An attempt to prescribe similar conditions, whenever a city should determine to construct an electric light plant, has met with the determined opposition of the Governor, in spite of the concurrence of both houses of the Legislature and of City Councils in advocating the measure. Governor Hastings in his veto of the bill said: "I am of the opinion that the furnishing of light, at least for municipal purposes, is a proper function of the municipality as such, and that it should not in any wise be abridged by legislation. To permit this bill to become a law might, and in all probability would, in many instances, require the people of the municipality, by taxation, to pay for what they do not want and what they could not use, for the sole benefit, not of the public, but of the stockholders of the electric light company."

An interesting question has arisen in regard to the right of officers of corporations having contracts with the city, to hold seats in the local legislature. Article XIV, Section 1 of the act of incorporation applying to the city of Philadelphia, provides, that

"No contract for work to be done for, or property or materials to be sold or supplied to, any city of the first class, or any department thereof, shall be made with

any councilman, officer, or employee of such city, or with any firm, co-partnership, or association of which such councilman, officer or employee is a member, and if any councilman, officer or employee, during the term for which he shall have been elected or appointed, knowingly acquire an interest in any such contract, he shall forfeit his office."

The position of one of the members of the lower branch, who is also general manager of the Brush Electric Light Company, which has large contracts with the city for lighting the streets, has been attacked by the Twenty-ninth Ward Association of the Municipal League. The District Attorney has rather reluctantly, it is true, instituted *quo warranto* proceedings. Although the matter will not come up for adjudication until the fall term, the question is one of great importance, involving, as it does, the position of a number of the members of Councils, both in this and other cities.

The City Councils have recently granted a number of important and valuable franchises to private companies without stipulating for any immediate return, nor even assuring the city of an ultimate participation in the profits of what must become, in time, extremely important and profitable enterprises. The first of these is what is known as the "Steam-Heat Ordinance" which gives to a company the right to lay pipes and conduits in the most densely settled portions of the city for the purpose of supplying heat, light and power derived from other products or agencies. The only return which the city is likely to receive, is the free heating of fire and police stations; but only then, when the company has introduced its system in the immediate neighborhood.

Another ordinance gives to the Pneumatic Transit Company the use of the streets, practically free of charge. An attempt was made in Select Council to insert a provision requiring the company to pay three per cent of its gross receipts into the city treasury. This provision was, however, stricken out by the lower branch and a clause substituted providing that the rate of remuneration should be fixed after the system has been put into operation. The experience of the French government in Paris with such a system applied to one very small branch of its possible use, namely, the transmission of messages, is conclusive proof of the possibilities involved in its extension to the transmission of packages. At all events, to await the operation of a system before prescribing any conditions or obligations can hardly be justified as good business policy.

The annual report of the City Parks' Association of Philadelphia which has just been published, shows a remarkable increase in the number of smaller parks which have either been opened or are being prepared for public use in various sections of the city. The Association

has been untiring in its efforts to bring before Councils the necessity of making some provision for small breathing places in the crowded sections of the city. According to this report, it would seem that Councils has made ready response to the desires of the Association. Since 1888 some twenty-seven small parks, ranging from .15 of an acre to 30 acres, have been placed upon the city plan. The Association thoroughly appreciates the fact that the situation of Fairmount Park prevents it from meeting all the needs of the city as regards park space. To thousands of the poorer classes it is almost inaccessible.

The assessment for 1895 of real and personal property, subject to taxation, shows an increase of \$12,747,152 as compared with 1894. This is the smallest increase since 1884. The causes are to be found in a less rapid progress of realty improvement, and the decrease in valuation of horses owing to the introduction of the trolley system. As to the latter, the assessed valuation in 1894 was \$3,484,155, whereas in 1895 it was only \$2,528,082. The total valuation of real and personal\* property is \$782,677,694, as against \$769,930,542 in 1894.

**New York City.**—The assessment for 1895, which has just been completed, shows a total increase of but little over thirteen million dollars over that of 1894. This is an exceptionally small advance, the average increase being between forty and fifty millions. The change is due mainly to the falling off in personal property valuation which shows a decrease of nearly nineteen and one-half millions. The increase in real estate valuation is nearly thirty-three millions. As a result of this

	1894.	1895.	Increase.
Real estate . . . . .	\$1,613,057,735	\$1,646,028,655	\$32,970,920
			Decrease.
Personal property . . . . .	390,274,302	370,919,007	19,355,295
Total assessed valuation .	\$2,003,332,037	\$2,016,947,662	\$13,615,625
			(Total increase.)

small increase in the valuation, it will probably be necessary to increase the tax rate. The Board of Estimate and Apportionment is prepared to do this, rather than follow the former policy of an inadequate tax-levy which necessitates encroachment upon the tax receipts of the following year.

#### *Status of the Reform Movement in New York City.†*

In June, the time within which the law permitted Mayor Strong to remove the heads of departments without cause expired. Among the

\* It is to be noted that the personal property here referred to only includes horses and cattle, carriages to hire, and money at interest. This is all the personalty subject to taxation.

† Communication of James W. Pryor, Esq.

last appointments made by the mayor were those of nine city magistrates and five judges of the new court of special sessions. These appointments were made under the law abolishing the office of police justice and creating the office of city magistrate and the new court of special sessions with much more important powers than those of the old court of the same name. While it might be possible to criticise some of these appointments, they are so good that they afford excellent reason for rejoicing that decent and honest men have taken the places of the disgraceful Tammany police justices. In most of the city departments the wholesome effect of the business-like methods of the new administration are becoming apparent. No one can study the work of the departments without discovering that the old spirit of indifference has been replaced by diligence and efficiency.

The subject that has excited the most attention from the newspapers and, perhaps, among the people, for some time past has been the enforcement of the law forbidding the sale of liquor on Sunday. The controversy has been carried on for weeks with great vigor, and promises to continue for weeks to come. The police commissioners simply announced that the law would be enforced by the police, and proceeded to stop the Sunday selling of liquor. The enemies of good government endeavored to make use of this episode to create a sentiment against all municipal reform movements and bodies.

On the nineteenth of June appeared in the *New York World* a long interview with Mayor Strong in which he defined his attitude as to appointments to public office, in the following language :

"After mature reflection I decided that I would give one-third of the offices to the Democratic organizations that had supported the reform movement and helped to elect me and two-thirds of the offices to the Republicans. I have adhered to this. I calculated the vote as well as I could and decided that I had got about 100,000 votes from the Republicans and about 50,000 votes from the Democrats, and therefore the apportionment of offices at the rate of one for Democrats and two for Republicans seemed fair and just."

Speculation is rife as to the probable form that will be assumed by the political battle of next November in this city ; but as yet no one can secure much consideration in the character of prophet. Many look for the success of Tammany Hall in the election ; and, indeed, we can hardly expect to see an anti-Tammany combination like that of last year. It is not probable, however, that the Good Government Clubs will content themselves with the mere passing of resolutions, and the politicians are awaiting with some anxiety the further action of an organization which has shown a fighting capacity that has won the respect of those to whom it has been opposed.

In addition to several local officers, nine judges of various courts are to be elected this year in New York City, and the Good Government Clubs think it important that an effort should be made to secure the selection of judicial candidates upon a non-partisan basis. The clubs have adopted the following general plan of campaign :

1. That for all city and county offices to be filled by election this year strictly independent nominations be made by the non-partisan organizations combined, or through some new machinery created to represent the independent voters, provided that candidates be secured of such character and standing that they will inspire confidence in the community and will of themselves command a strong following.

2. The assistance of the Bar Association be sought in securing the nomination of eligible candidates for all judicial offices to be filled at the next election.

3. That the demands made with regard to legislation should be limited as far as possible to two, namely : (a) the passage of a law providing for a special commission to prepare a complete, comprehensive municipal code for all cities in the State, together with any necessary constitutional amendments ; and (b) opposition to all special city legislation not absolutely indispensable pending the final report of the commission. That the proposition to provide for the appointment of a commission to prepare a plan of government for all the cities of the State be reduced to the form of a bill as soon as possible, and that the issue be made upon that concrete proposition.

4. That the attempt be made to secure in each assembly district the election of a candidate for the assembly named by the independents, and that men of the highest character and ability be persuaded to run for the assembly as a patriotic duty.

5. That notwithstanding the fact that State Senators elected this year will participate in the election of a United States Senator, efforts should be made to secure the election of only such candidates as Senators as will pledge themselves to the above propositions for city legislation, and whose character and standing command public confidence.

6. That the direct efforts of all the independents of this city should be confined, for the most part, to work in the local campaign and that, incidentally, our sympathizers throughout the State should be encouraged to make a similar fight for honest assemblymen, committed to the plan proposed for municipal legislation.

7. That the active, aggressive work of the campaign should be begun as soon as the necessary arrangements can be made and the agitation and education should be pushed vigorously through the summer.

8. That a campaign upon the lines indicated should be begun at the earliest practicable moment under the management of a joint campaign committee consisting of the representatives of the Good Government Clubs, to be appointed by the president of the Council, the City Vigilance League and the City Club, a majority of the committee to be appointed from the Good Government Clubs.

**Brooklyn.**—The Cities Committee of the New York Legislature is at present conducting an investigation of the Charities Department of Kings County. Up to the present time, no important disclosures as regards corruption in the management of the service, have been made. There are distinct indications, however, that for many years past the department has been expending sums far in excess of the actual return to the city.

**Boston.\***—A commission of three citizens prominent in business and finance was appointed by the mayor early in the year to report on the finances of the city. The report was submitted in June. A leading source of extravagant expenditure was found to lie in the tendency to increase the salaries and wages of employes above the level of private employment. As a partial remedy for this it was recommended that in all departments salaries be graded according to length of service, as has been done with excellent results in a few. When the salary of an office has been advanced it has been customary to give a new appointee the same compensation, but under a graded system this would not be done. It was found that the law fixing a limit to municipal indebtedness is made to a great extent inoperative, through the permission so frequently given by the Legislature to borrow money outside the debt limit. It was therefore recommended that the debt limit for municipalities be fixed by constitutional amendment, and the law fixing the maximum rate of taxation be repealed. It was also recommended that a percentage of the gross receipts of the street railways be paid to the city and applied specifically to the maintenance of the public parks; that the liquor license fees be increased, and that the leases for stalls in the markets be sold at auction.

#### FOREIGN CITIES.

**London.**—The activity of the London County Council at the present time illustrates very clearly the difficulties of dealing with the slum problem in a great city. The powers given to English municipalities by the "Housing of the Poor" acts, are wide enough to meet the

\* Communication of Sylvester Baxter, Esq., Boston.

most pressing need ; but limit to too great an extent their discretionary power as to the precise method of execution. One great step in advance was the recognition of the right of a municipality, upon receiving the assent of Parliament, to exercise the power of eminent domain in clearing unsanitary districts. The efforts which have been made in American cities to remedy the worst evils in the slum districts, have been continually thwarted by the unwillingness of landlords to part with their property at anything less than exorbitant prices. This is a natural result of the profitableness of investments in slum property. At the present time, the London County Council has several important schemes on hand, the largest of which is the "Bethnel Green Improvement." At a recent meeting of the Council, it was decided to aid one of the local vestries in the work of clearing one of the worst districts in Southwark. In order to divest itself of the responsibility of constructing on the cleared tract a series of artisans' dwellings, the Council has decided to apply to Parliament for power to lease the land to a construction company for such purposes. The gradual increase of schemes of this kind will soon make itself felt in the death-rate and general moral tone of these districts. Sooner or later American cities will be compelled to look to London for the most striking examples of the possibilities of public action in the solution of one of the most difficult problems of modern city life.

Much of the time of the recent sessions of the London County Council has been devoted to an extremely important municipal question, namely, the substitution of public for private ownership of the water works.\* According to all indications the struggle in Parliament over this question will be a protracted one. While the County Council is willing to compensate the companies for the loss of their franchise, they are not prepared to meet their extravagant demands. The final outcome will undoubtedly be the extension of the authority of the County Council either through direct administration, or more detailed control of this service. Everything, however, will depend upon the willingness of Parliament to pass a special measure authorizing the Council to take over the plant of the present companies at a price to be fixed by arbitration.

The lack of adequate transportation facilities which has for a long time occupied the attention of the public authorities is likely to be remedied in the near future through the construction of an additional series of underground electric roads to run through the centre of the city. The company has been incorporated and all arrangements have been completed for the construction of such a road from Shepherd's

\* See ANNALS for July, 1895, p. 177.

Rush Station to Liverpool Street Station. This road will extend in almost direct line along Uxbridge road and Oxford Street, thus reaching a section of London which has hitherto been dependent exclusively upon the slow means of transportation afforded by the omnibus companies. The narrowness of the streets of London will hardly permit of elevated roads, while the substitution of electricity for steam will obviate many of the more disagreeable features of the underground system.

The annual address of the Chairman of the London County Council contains an interesting review of the work of the year. Sir Arthur Arnold calls attention to the large average attendance at the meetings of the Council—128 of a total membership of 138—whereas the average attendance at the House of Commons on the busiest day (Thursdays) was but 336 out of a membership of 670. He strongly resents the imputation that the assumption of the water supply, artificial lighting and markets by the County Council will prove too great a strain on its administrative capacity. In reviewing the financial situation, the chairman showed how revenue is made to meet outlay in contrast with the system of the central government of adjusting outlay to revenue. The financial condition is very satisfactory. Of a total bonded indebtedness of £34,001,492, over £12,000,000 has been loaned to local authorities. Referring to the "unification scheme," the necessity of an early consummation of this long-promised reform is commented upon. In the problem of main drainage, considerable progress has been made toward the effective disposal of the sewage. A portion of the solid sludge is being transported to sea by six vessels belonging to the Council, and some extensive experiments are being made with a new filtration process. As to the housing of the working classes, the report of the committee does not show completely satisfactory financial results, owing to the fact that they were compelled to erect dwellings on sites which private enterprise would not touch. As a result on a total capital outlay of £146,785, there is the probability of an annual deficit of about £670. Referring to the Public Works Committee which has been doing such excellent work during recent years, the chairman said: "Trades union rates of wages, in practice obtained by the co-operation of employers and employed, was the only rate of payment which could meet the just claims of the whole body of electors, and the adoption of that rule undoubtedly led to so much difficulty with contractors that the institution of a Works Committee was the unavoidable result."

The provisions of the Allotment Act are being applied with great success in the east end of London. An average profit of £40 to the acre is being realized on small holdings of one-eighth of an acre.



*Municipal Fire Insurance.\**

A new development in municipal enterprise is being considered by several English municipalities. It is in the direction of municipal fire insurance. The consideration of such a system was not taken up voluntarily; it was forced on the municipalities by the action of the fire insurance companies. It has always been the custom of London Councils, County Councils and other public authorities when insuring new buildings or re-insuring old ones to ask tenders from insurance companies. This was according to the usual competitive system adopted by all public bodies in every department. But the insurance companies thought they had quite enough competition among themselves in other directions, and resolved some time ago to form a ring against public bodies. A tariff committee was appointed representing all the insurance companies and every invitation to tender received from a public body is sent to this committee. Thus every quotation made to the municipalities by different companies is precisely the same. Not only so but while they were about it the insurance companies thought they might have a further advantage by enormously increasing the insurance tariff for public property. The result is that the corporations of Glasgow, Manchester, and the London County Council are now considering schemes for municipal fire insurance.

There are two ways for municipalities to take up municipal insurance. One is to stop at the insurance of their own property; the other is to insure the whole property in the city. About the former there is no difficulty, provided the property owned by the municipality is fairly extensive and varied. And all large English and Scotch cities, with their water works, gas works, electric lighting works, public libraries, technical schools, art galleries, baths and wash houses, tramways, fire and police property, municipal artisan dwellings, and lodging houses, together with a large amount of real estate acquired in connection with improvement schemes—with all these varied and extensive municipal assets the leading cities have sufficient property for which to establish a fire insurance bureau. A successful experiment is already in existence. The London School Board insures its own property. It lays aside every year premiums toward an insurance fund which is invested at four per cent from which loss from fire will be covered. There is, therefore, no apparent difficulty about the London County Council acting as its own insurance authority. There are, however, about a hundred public authorities in London, and the more practical scheme which is suggested is that all these bodies should unite in the creation of a municipal insurance bureau. The risk in

\* Communication of Robert Donald, Esq., editor of "*London*."

this case would be distributed over a large variety of property and the expenses of management would by combination be greatly reduced. A committee of the County Council is giving its attention to this subject just now, and it is probable that during the year a scheme will be produced.

The other question of a municipality entering into the general business of insurance is a much more complex and difficult problem. The suggestion is of course not new. The question was raised in Boston many years ago and several reports have been issued on the possibilities of municipal or state insurance.

Thirty years ago a project of municipal insurance was made in Manchester, but it never got beyond a very theoretical stage. It is instructive to note that the Corporation of the City of London gave very good reasons why private fire insurance companies should never have been established. After the great fire in London certain shrewd gentlemen went to the king and suggested that they would insure the whole of the property if they could levy a tax for the purpose. They were to assure a certain amount of protection against fire and to rebuild houses destroyed. The king and his attorney-general granted permission to establish this insurance monopoly, but the city corporation stepped in and stopped the scheme on the ground "that they thought it unreasonable for private persons to manage such an undertaking or that any one but the city should reap the profit of the enterprise." The corporation proceeded to develop a scheme of its own and actually established a municipal fire insurance bureau. If it had made its system compulsory it would have succeeded, but no obligation to insure was prescribed. The corporation was also too slow in maturing its scheme. Private enterprise had stepped in and offered better terms than the corporation. Whether it was competition or the disturbing influence of the Commonwealth and the Restoration that killed the scheme is not recorded, but it disappeared. In general it may be said that the systems of fire insurance and fire protection should never have been separated. In London up to 1865 the fire brigade was owned and managed by the insurance companies. Fires are not numerous in English cities and are decreasing every year. In London, for instance, the capacity of the fire brigade has been increased a hundred per cent during the last six years. The municipality does everything possible to prevent fires, and the insurance companies reap the benefit. The maintenance of a competent fire brigade is not the only expense incurred by the municipality to prevent fires, increased supplies of water at high pressure must be provided. New regulations are constantly being put in force to safeguard public and private buildings. A general scheme of municipal fire insurance is a matter which

deserves investigation by municipal authorities. In the meantime, and as a step toward this greater development of municipal action, we are likely, before long, to see several English municipal corporations acting as the insurance authorities for their own property.

**Paris.**—The French government has again taken up the question of the reform of the "*octroi*," but has hesitated to apply its principles to the city of Paris, owing mainly to the enormous fixed charges of the city in the payment of interest and liquidation of the local debt. The indications at present are that the other French communes will, within the next few years, derive an increasing portion of their revenue from direct taxation, and thus bring the system of local taxation more in harmony with a just distribution of public burdens. Paris, however, remains bound to this unfortunate form of taxation, whose only justification seems to be the enormous revenue derived therefrom.

#### MAGAZINE ARTICLES.

The *Engineering Magazine* for August contains three interesting articles dealing with an equal number of pressing city problems. In the first, on "The Trolley in Competition with the Railroad," by Clarence Deming, the author points out the favorable physical and economic conditions which have led to the growth of the trolley system. In spite of a legislature dominated by the railroad corporations the system has had a remarkable development. It was not until 1893 that the legislative obstacles to the construction of trolley lines were removed; and even then only partially. During the two years since 1893, 289.7 miles of such road have been constructed, with a capital stock of \$8,566,000 and a bonded indebtedness of \$6,662,000. Forty-one additional lines involving 381 miles of track are projected. The parallel competition between the electric and steam roads has made itself felt in the decreased passenger traffic of the latter. Thus in twelve short distance runs of from two to six miles between different towns the railroad traffic has decreased nearly 55 per cent.

Mr. William Stevenson in an article on "uninhabitable houses in city slums" endeavors to show that individual ownership is not the best guarantee for sanitary construction and care of dwellings. While disclaiming any intention of placing the ownership of house-property in the state or municipality, he advocates a system of joint ownership by stock companies. This system is to be applied more especially to workingmen's houses. One such company is in existence in Glasgow,—"The Glasgow Workman's Dwelling Company, Limited." The paid up capital is about \$75,000, and although the expenses of recent organizations absorbed one-third of the profits, a dividend of  $3\frac{1}{2}$  per

cent was declared. The chief work of the company consists in buying up unsanitary dwellings and putting them into good condition.

Mr. John Birkinbine contributes an article on the "Improvement of the Delaware River and the Harbor of Philadelphia" in which the various plans now under consideration are discussed. The writer comes to the conclusion that when the improvements are completed Philadelphia "should be in a position to compete with any other American city on the Atlantic Coast for foreign trade."

The *Street Railway Journal* for June contains a complete description of the street railway system of St. Louis. The eleven rival companies operating over 290 miles of road have introduced the latest appliances in electrical locomotion, thus making the system of special interest to those cities where the trolley system has been but recently introduced.

The July number contains a very valuable article giving full statistics concerning the mileage, cars, stock and funded debt of all the street railways of the country. The figures given are of special interest when compared with the recent development of the railroad system of the country. We reserve a fuller discussion of this subject for the November number of the ANNALS.

The *Review of Reviews* for August contains an excellent description by Jacob A. Riis, of the "Clearing of Mulberry Bend." This famous or rather infamous slum district is to give way to a city park. Mr. Riis gives a vivid picture of the degradation and crime connected with the history of these 2.7 acres. The obstacles which the efforts of those interested in the movement encountered from politicians generally, and the State legislature in particular, is an instructive lesson in American local politics. The cost of the improvement will be about \$1,567,000, but with it will disappear one of the worst plague spots in any American city, the home of the most degraded population of New York.

In the *American Magazine of Civics* for July, Clinton Rogers Woodruff, Esq., gives a summary of the progress of municipal reform movements during the year 1894-95. The number of new organizations and the increased vigor and activity of the old makes a most encouraging outlook for the success of the movement.

## SOCIOLOGICAL NOTES.

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[The editor of this department is glad to receive notes on all topics of interest to sociologists and persons working along sociological lines in the broadest acceptance of the term. It is not the purpose of these columns to define the boundaries of sociology, but rather to group in one place for the convenience of members of the Academy all available bits of information on the subject that would otherwise be scattered throughout various departments of the ANNALS. The usefulness of this department will naturally depend largely on the measure of co-operation accorded the editor by other members of the Academy.]

Among those who have already indicated their interest and willingness to contribute are such well-known workers along sociological lines as Professor F. H. Giddings (Columbia College), Professor W. F. Willcox (Cornell University), Dr. John Graham Brooks (Cambridge, Mass.), Dr. E. R. Gould (Johns Hopkins University), Mr. John Koren (Boston), Hon. Carroll D. Wright (Washington, D. C.), Professor E. Cheysson (Paris), Mr. Robert D. McGonnigle (Pittsburg, Pa.), President John H. Finley (Knox College), Professor D. R. Dewey (Boston), Rev. Dr. L. T. Chamberlain (New York), Dr. Wm. H. Tolman (New York), Dr. D. I. Green (Hartford), Mr. Robert Donald (London), Giuseppe Fiamingo (Rome), Miss Emily Green Balch (Jamaica Plains, Mass.), Miss M. E. Richmond (Baltimore, Md.), and others.]

**The Theory of Sociology.**—*Social Classes.* In addition to the comments made in the last number of the ANNALS on Professor Giddings' paper entitled, "Is the Term 'Social Classes' a Scientific Category?" we would call attention to another attempt to establish tentatively an ideal classification of social facts and factors intended to unify somewhat the movement of statistical inquiry. Mr. Oscar Woodward Zeigler, of Baltimore, in a paper submitted to the Academy, makes the following suggestions: "Every social unit may exist as to quality, *i. e.*, direction of expression in four orders; Supersocial, Social, Unsocial, and Antisocial. A unit is 'social' when its existence is a utility to the social organism in which it maintains itself. A unit is 'unsocial' when it maintains itself at the expense of the social organism in which it exists. A unit is 'supersocial' when its existence is a profit to the social organism which maintains it. A unit is 'antisocial' when it is maintained at a greater or less loss by society; being itself incapable of social existence.

"The social and supersocial orders, in contradistinction to the unsocial, and antisocial orders, may be called the social orders; the latter in contradistinction to the former may be called the nonsocial orders.

"Every social unit must exist as to potentiality, *i. e.*, as to its power of self-expression, in one of three degrees: Strong, Normal, Weak

or Subnormal. By potentiality is meant the power with which a social unit impresses its quality on, or maintains it against, the social organism.

"A unit is strong, or supernormal, when it impresses its quality on the social organism. A unit is normal when it maintains its quality in the social organism. A unit is weak, or subnormal, when it is unable to maintain its quality against the impress of the social organism. The strong and the weak may be called in contradistinction to the normal, the abnormal classes.

"We would distinguish therefore twelve True Social Classes :

1. Strong Supersocial class . . . . . The executive man.
2. Normal Supersocial class . . . . . Directed industrious.
3. Weak Supersocial class . . . . . Improvident.
4. Strong Social class . . . . . Small factor.
5. Normal Social class . . . . . *Comme il faut* class.
6. Weak Social class . . . . . Inefficient.
7. Strong Unsocial class . . . . . Executive criminal.
8. Normal Unsocial class . . . . . Criminal by circumstance.
9. Weak Unsocial class . . . . . Criminal insane.
10. Strong Antisocial . . . . . Maniac, etc.
11. Normal Antisocial . . . . . Riot class.
12. Weak Antisocial . . . . . Idiot, innocent, etc.

"Classes 6, 3, 9, 12, are the vantage classes, unsuited, and left behind in the progressive movement of society. Classes 2, 5, 8, 11, the dominated classes. Classes 1, 4, 7, 10, the dominating classes : Ten is eliminated by the conscious constraint of society. Classes 10, 11, 12, are the degenerate, or rather abgenerate classes.

"The study of the strong classes gives the trend of social movement ; that of the normal establishes the general average of social thought ; the weak represents the social waste product."

Mr. Zeigler adds the following observations in connection with the above classification.

"Classes 1, 2, 3, 4, 6, 7, are readily obtainable by statistics.

"Class 8 is the Reformable Criminal. As he is normal in potentiality, the unsocial quality has displayed itself through the impress of compelling or unfavorable circumstances. The remedy consists in the education and strengthening of the antagonistic social trait, the removal of the compelling circumstances and the application of social compulsion.

"Class 9. The criminal insane so called. Units weak, unable to impress themselves on society, nevertheless make use of the quality when able. Sneak thief, true tramp, etc.

"Class 11. This class is interesting, not readily obtainable. Being in quality antisocial, yet as they are not strong to impress their quality against society, they are not detected, nor yet, not being weak, are

they impressed by society. I should call this the true riot class, which form the nidus, or nucleus of civic commotions. From this class the political assassin is likely to come, as the idea gives a momentary power to the anti-social instinct.

"Class 2. Not necessarily personally directed. Society is as potent as the strong man ; and perhaps far more so.

"Class 4. Quality useful, and potentiality very strong, hence seeks to impress society, but succeeds in a small measure only because the utility is not of such a measure as to permit a wide range of adoption by society.

"Class 3. Quality useful, therefore usable, potentially weak, therefore cannot use themselves. The true improvident class.

"Note Class 6. Quality utile if used, but too weak to maintain it against difficulties. The labor costs more than it is worth.

"Class 5. Social enough to exist. Satisfied with existing."

**Labor Question.—Sweating System.** The tailors' strike in New York which attained rather large dimensions in July, is a repetition, on a somewhat larger scale, of the attempt which the tailors in Philadelphia made some time ago. Of course, questions of the right of employers to employ non-union labor and to refuse admission to their factories to walking delegates, and also matters pertaining to the hours of labor and minimum wages, have been brought into the strike. The intense feeling on the subject of the sweat-shop work, is the real factor which enabled the labor leaders to draw out so unanimous and hearty a response to their call for a strike. This issue is a meritorious one, and whenever it makes itself felt in any of our large cities, as it undoubtedly will in most of them, it is to be hoped that those interested in the cause of labor will not allow it to be jeopardized by linking it with other disputable demands, on which there is not an equal unanimity of opinion. The question is a delicate one, and employers are already beginning to waver in their decision that it is economically good for them to allow work to be done out of their shops. Under some circumstances, it may be advantageous for a manufacturer to cut garments in his own shops, and then hand them over in large lots to contractors who are financially responsible, and return them made up, without the cost of heavy rents and wages of superintendents, which the doing of the work in the shops of the manufacturer would necessitate. The presence in some of our large cities of a large immigrant population of the lowest type of civilization, huddled and crowded together in small quarters, and willing to take such work home to do at all hours of the day and night, under the most unsanitary surroundings, and at very low prices, enables the manufacturers and contractors to carry on the sweating system. But the public is

beginning to realize some of the dangers by way of the spread of disease which such work entails, and the public eye-sore that these sweat shops present in so many localities of our large cities, has caused public opinion to assert itself and public interest to be intensified. It will not be long before the manufacturer of made-up clothing who can by label, or otherwise, convince his patrons that the goods are wholly made on the premises, will have an advantage over his competitors in the market. In Philadelphia one manufacturer has already taken this step, and others, among them some of the largest, are seriously considering it.

*Labor Co-partnership.*—The co-partnership movement in England, to which Messrs. Henry Vivian and Aneurin Williams have devoted such arduous labor, is making rapid progress and attaining some very satisfactory results. Mr. Vivian gives an account of the Co-operative Congress of 1895—which met at Huddersfield, England,—in the July number of the *Economic Review*. The Congress opened June 1, at which time the Co-operative Exhibition was opened. Mr. Greenwood in his opening remarks, referred to the remarkable progress that co-operation had made since he began co-operative work, and expressed a belief that the application of this principle to industrial life at large, would solve the labor question.

The leaders in this work in England are thoroughly in earnest and are making a noble philanthropic effort to raise the standard of life among the laboring population. All attempt to introduce into the various co-operative societies, business methods that have the slightest tint of dishonesty, deception in quality of goods, etc., which is quite universal in competitive concerns, has been discountenanced, and every effort has been made to maintain truth and purity as the first condition of life and labor, and honesty and justice in every commercial and industrial relationship.

There are in general two schools of thought within this movement. One section divides its profits, not among the workers; but among the retail societies which are its consumers, and is more largely influenced in its methods by the demands of consumers than by the needs of the workers. In other words, it emphasizes the principle of co-operation among consumers for their own benefit. This is perhaps the strongest and most popular phase of the movement in England, and also the most successful as the history of the English co-operative stores abundantly testifies.

The other section divides its profits between capital and its customers and its workers. It emphasizes co-operation on the part of the laborers for their own benefit, and is perhaps the higher ideal of co-operation, certainly when considered as in any way a solvent for



labor troubles. The worker is supposed to be invested with new ideas, new duties, and new responsibilities, all of which tend to make him a more contented workman and a more intelligent citizen with a higher standard of life.

M. de Buyoe, the representative of French co-operators, gave to the Congress some statistics showing the progress of co-operative production in France. He spoke of the fact that French co-operators are united on the principle of the participation of the worker in the profits, and said that in spite of the prediction that their largest societies would be a failure,—the Familistère of Guise is more flourishing than ever, and its assets of all kinds amount to 449,426 pounds, or more than double the share capital, and the profits to be divided amounted in 1894 to 10,503 pounds.

Some dispute took place in the Congress as to the desire of the delegates to make their Congress in the future representative of the co-operative store movement, and not of co-operation in all its forms. The subject, however, was left over for fuller discussion next year.

*Unemployed.* Two English governmental reports have recently appeared dealing with the subject of the unemployed, and together with the report of the Board of Trade on this subject, constitute a goodly source of documentary information on this subject for Great Britain. The reports are entitled "First and Second Report from the Select Committee (of the House of Commons), on Distress and Want of Employment, Together with the Proceedings of the Committee and Minutes of Evidence." \*

The first report gives the results of 1194 replies which were sent out to all the sanitary authorities in England, asking questions as to the nature and extent of the distress. The commission sat every day from February 18 to March 4, and passed its report on March 11, in which it despaired of being able to make any recommendation which would be immediately applicable and could be reasonably accepted by Parliament without further inquiry.

The second report contains nothing except the reports received by the local government boards from local authorities in England and Wales, in reply to the circular of inquiry as to the extent of the distress.

**Population.—Vital Statistics.** Greater interest in obtaining uniform and complete statistics of a character that will be useful for social legislation and experiment, is manifest in all parts of the country. The secretaries of the State boards of health of the six New

\* House of Commons Paper, No. 111. Folio. Pp. 195. Price, 1s. 9d., and No. 253. Folio. Pp. 508. Price, 4s. 8d.

England States, have rendered good service in preparing a summary of the vital statistics of these States for the year 1892.\*

The year 1892 was the first year that any such comparison for all the New England States was possible, because no compilation of the vital statistics of Maine was made until 1894, when the first registration report of that State for the year 1892 was issued. The secretaries announce their intention of issuing this summary at intervals of about five years. The second issue will, however, embrace the statistics for the year 1895.

**Immigration.**—The statistics of immigration in the United States for the fiscal year ending June, 1895, show a falling off in the number of immigrants to this country for the last year of about 35,000, the total reaching a lower point than it has for any year since 1879. Undoubtedly, this falling off was due to the financial depression and poor business opportunities of the past year. The quality of our immigrants, however, does not improve. The continued persecution in Russia brings to our shores an alarming number of Russian Jews, and other very undesirable elements of the modern European population constitute the general class of immigrants to this country. This lowest type of humanity seems to thrive here, and even in the sweat-shops and under the worst conditions that prevail among our laborers, they are undoubtedly better off than they were at home. This is poor comfort, however, for the maintenance of our standard of civilization, and it is certainly a public duty that ought not to be neglected, for all public-minded citizens to insist upon a strict enforcement of our immigration laws, and to help arouse a healthy sentiment in favor of further qualitative restrictions.

**Sociology in Theological Seminaries.**—Many theological seminaries have in recent years given considerable attention to sociological questions, and inserted in their courses some instruction, by means of public lectures and otherwise, in the social questions of the day. Several religious and denominational papers have recently employed the services of a trained specialist on these subjects, and the seminaries are now looking forward to the establishment of regular professorships of Sociology, on equal footing with the other subjects represented. Mr. Nicholas Paine Gilman, author of "Profit-Sharing Between Employer and Employee," and "Socialism and the American Spirit,"

\* A Summary of the Vital Statistics of the New England States for the year 1892, being a concise statement of the Marriages, Divorces, Births and Deaths in the six New England States, compiled under the direction of the Secretaries of the State Boards of Health of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut. Pp. 59. Boston: Damrell & Upham; London: P. S. King & Son, 12 King street, Westminster, S. W.

has been appointed Hackley Professor of Sociology in the Meadville (Penna.) Theological School, and will enter upon his duties on October 1st.\* The Meadville Seminary is to be congratulated upon this acquisition to its teaching force, and the sooner other seminaries fall in line and give the proper recognition to a study of man's relation to man, as well as his relation to God, the better equipped will our future clergymen be for dealing with the complicated problems of city churches, and the less we will be likely to hear of dogmatic theological controversies.

**Charities.**—*Charities Directories.* The multiplicity of charitable societies and efforts in large cities, has rendered necessary, as a part of the work of better organization and co-operation, the preparation of directories. New York City has just issued the sixth edition of its "Charities Directory."† It contains a carefully prepared résumé of the charitable resources of the metropolis—civic associations and congregational—and gives the legal title, location, special features, conditions, and modes of application to each, to aid citizens in dispensing their liberality, and to aid societies and private persons in directing objects of relief to the existing provisions for their peculiar need. It is a catalogue raisonné of all benevolent agencies, having general relations to the welfare of the working and dependent classes of New York City. It gives also a list of the leading charity organizations and benevolent societies in the United States and foreign countries. The Civic Club of Philadelphia has in hand a new directory of a similar character for that city. Boston has published several editions of her directory. Baltimore, Chicago, Buffalo, Cincinnati and San Francisco have all directories of their own. Perhaps the model piece of work of this kind, is that published by the Charity Organization Society of London, which makes a volume of over 1200 pages, and is prefaced with a 200-page Introduction, giving a full discussion of charitable principles, laws, and methods of management, written by that experienced authority, Mr. C. S. Loch.

*In-Door and Out-Door Relief.* It was doubtless to the recklessness with which out-door relief was given in England prior to 1834, that the evils of the English poor-law system became so marked, and have always excited peculiar attention and discussion. It was not long after the great reform movement in 1834, in which, for the time being, out-door relief was almost entirely curtailed, that England forgot her lesson and made further dangerous experiments in this

\* See above, p. 97.

† "Charities Directory of the City of New York." Price, cloth. \$1.00; paper, 50c. Published by the Charity Organization Society, 125 E. Twenty-second street.

method of dealing with pauperism. Mr. Goschen's famous circular in 1869 aroused the country once more, and led to the organization of that powerful private agency for dealing with pauperism—The Charity Organization Society. The battle respecting the merits of out-door vs. in-door relief, still wages, and every new literary contribution to the subject discusses this question afresh. Some recent statistics for Scotland, published by Mr. John Polson in the *Paisley Daily Express* (June 17, 1895), show conclusively that just in proportion as out-door relief has been administered—so entirely cut off in the periods from 1871 to 1894—the total number of paupers is decreased. There has been some difficulty in Scotland in furnishing in-door relief, because of the lack of ample poor-house accommodation. Of the 886 parishes in Scotland, only 480 have poor houses, either singly or in combination. In England several parishes or unions have abolished out-door relief altogether, while in Scotland Mr. Polson says he is not aware that it has been abolished in any parish.

Mr. W. Chance, M. A., of Trinity College, Cambridge, has just published a bulky volume of nearly three hundred pages, entitled "The Better Administration of the Poor Law," and he speaks very strongly against out-door relief. He says in the chapter which deals with the causes affecting the increase or decrease of pauperism :

"It can be seen very clearly how dependent the amount of pauperism is on particular methods of administration ; depression of trade ; bad weather ; strikes, etc., affecting only to a small extent, the pauperism of those unions which administered out-door relief very strictly." In view of several English publications which have recently advocated a return to a more liberal out-door policy, Mr. Chance's closing words on this subject are certainly very moderate :

"In conclusion, the author desires to emphasize the fact that the book does not advocate the immediate abolition of out-door relief ; but merely its restriction with a view to its virtual abolition. It is asserted that the new boards of guardians are likely to adopt an out-door relief policy. It is sincerely to be hoped that before doing so, they will consider the beneficial results which are shown in Chapter VII, to have followed on a change from an out-door to an in-door relief policy in certain unions. If they will pursue the same path, they will assuredly find it leading to reduced pauperism, to reduced expenditure for relief, to a marked improvement in the habits and morals of the poor by the encouragement of thrift and the discouragement of improvidence and vice."

*Aged-Poor Commission.* In England, the most recent event of great interest to charity workers, has been the appearance of the

report of the Royal Commission on the Aged Poor,\* together with the minutes of evidence taken by that body. This commission has done much work since January, 1893, at which time it was appointed "to consider whether any alterations in the system of poor law relief are desirable in the case of persons whose destitution is occasioned by incapacity for work resulting from old age, or whether assistance can otherwise be afforded in those cases."

A very able commission, with the Prince of Wales as a member and in which he took an unusual personal interest, considered the two questions whether the English Poor Law was too severe on the old, and whether some national system of old age pensions ought to be established. Ten members of the commission, among them Lord Brassey and Mr. Loch of the Charity Organization Society, signed the majority report. Five members, including Mr. Chamberlain, Mr. Ritchie and Mr. Charles Booth, signed the minority report, and two members presented reports of their own. Other disagreements are manifest at various points throughout the report. The majority report answers the first of the two leading questions as follows:

"We are convinced by the evidence that there is a strong and prevalent feeling in favor of greater discrimination, especially in the case of the aged, between the respectable poor and those whose poverty is distinctly the result of their own misconduct. Unless this distinction is more clearly recognized than it has hitherto been, we fear that the agitation against the whole policy of the poor law, may gain in strength, and lead to changes which we should deprecate in the general interests of economy and morality. We think, therefore, that boards of guardians should be recommended to make careful inquiries into the antecedents of destitute persons applying for relief, whose physical faculties have failed by reason of age and infirmity, and that where it is found that such persons bear a good character, have made reasonable efforts, in accordance with their opportunities, to provide for their old age, and have not been assisted through the rates (excepting temporarily and under special circumstances of illness or misfortune), out-door relief should be offered; unless the infirmity of the applicant, the nature of his surroundings, the need of personal care, or other substantial considerations, should make it evident that the relief given should be in-door relief."

\* A more extended notice of the work of this commission may be found in the *Economic Review* for July, 1895, in an article by Mr. Edward Cunniff, entitled "The Stigma of Pauperism," and in the notes on Legislation, Parliamentary Inquiries, and Official Reports, from which latter source this note has been compiled. The report of the commission is published as Commons Paper, No. 7684. Folio, pp. 122. Price, 1s. Minutes of Evidence, C. 7684, Parts 1 and 2. Folio, pp. 536 and 530. Price 4s. 3d., and 4s. 2d.

To the second question, the majority report makes answer: "We have carefully examined the various schemes for state assistance to the aged which have been submitted to us, and bearing in mind the great labor and thought expended on them, and the high public spirit and deep sympathy which inspired their authors, we regret that, in view of the financial and economic difficulties involved, we have been unable to recommend the adoption of any of the schemes as yet suggested, whether for endowment or assisted insurance."

The minority are of the "strong conviction that, even under the most favorable circumstances, poor law relief will be a most unsatisfactory method of dealing with the deserving poor in their declining years."

They believe that the question of old age pensions was not adequately considered by the commission, and that it should be given further attention by the government. Mr. Booth, Canon Blackley and Mr. Chamberlain each laid elaborate schemes for old age pensions or insurance against old age, before the commission, to which the majority report makes certain specific objections, chiefly grounded on the cost of any such experiment, the probable increase in taxes which their adoption would incur and the effect on wages.

*Alcoholism and Public Charity in France.* The Superior Council for Public Charity in France, has been giving special consideration to a report prepared by MM. les docteurs Maguan and Legrain, on the question of creating special asylums for inebriates. The committee, to which this question was referred, adopted the following resolutions, to be submitted to the whole Council:

First, inebriate paupers ought to be treated in special establishments. Until such establishments are created in the various Departments, such persons should be isolated in other institutions and placed in special quarters.

Second, certain changes are necessary in the law on drunkenness and the Poor Law of the thirtieth of June, 1838, which authorized the arrest of delinquent drunkards and inebriate paupers and their maintenance during such time as would be necessary to cure them. Every delinquent drunkard should be made the object of a critical report, in consequence of which the authorities should have power to place him in a special asylum for inebriates.

In addition to these resolutions, the Council expressed the wish, that in order that the evils of alcoholism might be diminished, the following public action might be authorized:

1. That an increased duty be placed on the production of alcohol in France, and stricter measures taken to guarantee the quality of such alcohol as is produced.

2. That the taxes which in any way affect wine, cider, beer, tea, coffee, and sugar, be reduced as much as possible.
3. That the license fees of saloons be increased.
4. That licenses be granted in the future only under stated conditions (according to the number of population, etc.).
5. That the sale of spirituous liquors be prohibited within the prisons, and that the quality of spirituous liquors sold in the military taverns of the state and municipality be submitted to a special supervision.
6. That a more rigorous application of the laws against drunkenness be insisted upon.
7. That the total abstinence societies and liquor organizations continue and assist a healthy reform commenced by these asylums.
8. That the establishment of restaurants and eating-houses for total abstainers may complete this group of curative means to resist alcoholism.

**The Church and Social Reform.**—The eleventh census volume on churches has just appeared, and the corrected returns show that there are in the United States over twenty million communicants belonging to some one or other of the 165,000 religious organizations which again are grouped under 143 denominational names. This probably means that considerably over half of our population is in some way connected with some church congregation, when we add to the communicants those who are not communicants but more or less regular attendants. The seating capacity of the churches of the United States is able to seat at one time over two-thirds of the entire population. In a country where the religious life finds so many outlets and is so free to express itself according to the individual conscience it is not surprising that great interest should attach to discussions of the relation of this array of organizations to our social questions, and that religious leaders everywhere are making many experiments in the line of social reform schemes. This is likewise true in England, where quite different conditions prevail in church life. Bishop Potter has spent one month of his summer vacation this year at one of the down-town mission stations in New York City engaged ostensibly in slum work, but we may be sure that in addition to enforcing by example his teaching that men of ability in the more favored churches owe some part of their time and talents to the weaker ones, the sagacious Bishop has had his eyes open and has done not a little in social experimentation the result of which we may expect to see elaborated in some program next winter. A large amount of popular but thoughtful literature on the subject of church organizations taking a more direct hand in social reform movements is meeting with a hearty response. In

England the *Economic Review*, which is the organ of the Oxford University Branch of the Christian Social Union, publishes regular contributions devoted to this question. Among the more notable recent articles are the following: "Is the Individualist or Collectivist View of Social Progress More in Accordance with the Teaching of Christ," by Rev. Frederic Relton (published in October number, 1894) and "The Church of God and Social Work," by Rev. Canon H. S. Holland, M. A. (published in January, 1895). Mr. Relton takes a very conservative view and Canon Holland a more radical one. Both gentlemen insist that the spiritual side of church work must be kept securely in the first place, and their suggestions for positive social work are therefore especially interesting as indicating the limits and limitations of church organizations in such lines of work. Professor John R. Commons, of Indiana University, has rendered a real service in publishing in a small convenient volume\* a series of six essays, most of which were written for special occasions and printed separately elsewhere. The subjects treated are: "The Christian Minister and Sociology," "The Church and the Problem of Poverty," "The Educated Man in Politics," "The Church and Political Reforms," "Temperance Reform" and "Municipal Monopolies" and "Proportional Representation," which have a rather remote relation to the general topic of the volume and seem rather out of place. Professor Commons has a clear insight into problems he discusses and a happy way of expressing his thoughts. He makes an able pioneer in arousing thought on subjects that have been allowed too much free-play in the outer circles of consciousness and which it is desirable that more individuals should subject to more rigid consideration. Herein lies Professor Commons' power, but his deductions and conclusions will be taken *cum grano salis* by well-trained and cautious students.

**American Journal of Sociology.**—With the American Institute of Sociology launched in new and more progressive lines of work and a new journal devoted entirely to sociology, the out-look for more effective work in this science in America is encouraging. It is a pity that the Institute and the journal do not stand in some vital relation to each other as otherwise the title to the new periodical will doubtless mislead many persons to suppose it is the organ of the Institute. The circular of announcement tells us that "a scientific journal of sociology should be of practical social service in every issue, in discrediting pseudo-sociology and in forcing social doctrines back to accredited facts and principles." That is a pretty large

\*"Social Reform and the Church." By JOHN R. COMMONS, with an introduction of Professor R. T. ELY. Pp. 176. New York: Thomas Y. Crowell & Co., 1894.



contract for "every issue" and we hope the new journal will not get discouraged. It claims to be needed "to work against the growing popular impression that short-cuts may be found to universal prosperity, and to discountenance utopian social programs." The University of Chicago has assumed the financial responsibility and Professor Albion W. Small, the head of the department of sociology, will be editor-in-chief and the other members of the sociological staff, associate editors. The scope of the journal is indicated as follows:

1. It will be primarily technical. By this it is not meant that the journal will be devoted chiefly to discussions of the methodology of sociological investigations, but that it will aim to extend, classify and clarify knowledge of the permanent principles illustrated by actual social conditions and actions past and present.

2. It will be incidentally and secondarily general. This does not mean that it will attempt to be "popular" in the widest sense. It will not attempt to attract immature or ignorant readers. Except in articles addressed to professional sociologists, the journal will be as free as possible from professional technicalities, and will try to present results of research in a form that will appeal to all people capable of forming respectable judgments upon difficult social questions.

3. It will attempt to exhibit sociological conclusions, or to state the conditions of social problems in such a way that they will be seen to have a double bearing; viz., first, upon the general or special doctrines of social philosophy; second, upon the practical decisions of men of affairs.

4. It will aim to become indispensable to all thinkers, whatever their special industrial or social interests, who desire to know the best that has been learned or thought about rearrangement of social effort in the interest of larger usefulness. Thus: (a) sociologists, scientific writers, teachers, sociological students; (b) publicists of all classes, except those who are publicists solely for private ends; (c) journalists, except those whose policy is to work the public rather than to work for the public; (d) clergymen and others who are trying to improve society by direct moral and religious influence; (e) workers in connection with state, county, municipal or private charities; (f) officers of all grades in public school systems; (g) specialists in particular social sciences, who need to relate their part of the subject to the *whole* from which it is an abstraction.

5. To meet the demands of these classes the *American Journal of Sociology* will be devoted to: (a) systematic and technical sociology; (b) examinations of the rational basis or lack of basis beneath proposed plans of state or private effort for social improvement; (c) description and explanation of institutions which are superficially

familiar, whose significance is understood by few; (*d*) relations of the educational factor in civilization to possible social progress; (*e*) the economy of effort by churches for social improvement; (*f*) the sociological significance of work done in the other sciences; (*g*) results of investigation of special phases of contemporary society; (*h*) reports of social movements and experiments. Observers at favorable points in America and Europe will contribute: (*i*) conclusions of theory and experience about administration of penal and charitable institutions; (*j*) critical bibliographies; (*k*) reviews of new book and magazine literature; (*l*) editorial comment upon current events, interpreted by sociological criteria; (*m*) organization of available knowledge about social conditions into practical plans for improvement.

6. The cardinal principle of editorial policy will be insistence that the relation of details to the whole plexus of societary activities, past, present and future, shall be the fundamental consideration in all the contents of the journal. The sociological point of view will thus be maintained in distinction from the standpoint of the specialist, either in abstraction or in concrete action.

The *Journal* is to be a bi-monthly, the first number dated July 15, 1895, and subsequent numbers appearing on the first day of September, November, January, March, May and July. Price, \$2.00 a year.

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ANNALS  
OF THE  
AMERICAN ACADEMY  
OF  
POLITICAL AND SOCIAL SCIENCE.

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RECENT POLITICAL EXPERIMENTS IN THE  
SWISS DEMOCRACY.

The tiny Swiss Republic, thanks to specially favorable conditions, has within the last fifty years made very valuable experiments in the organization of democracy, in the putting into practice of the democratic principle which may be summed up by the word, government of the people by the people.

Doubtless, many of the institutions she has inaugurated, could not be exported, and would, perhaps, taken as they are, be ill-suited to other commonwealths; the Swiss experiments may, however, contain results useful to other nations, for nothing human is uninteresting to man.

But many think that political machinery is not of the first importance, for according to Montesquieu, the best guarantee of democratic prosperity, lies in civic virtue. The best form of government is liable to be led astray by politicians. Beware of politicians! The workman makes the tool, not the tool the workman!

One ought, however, to allow that, talents being equal, a man well equipped will turn out better work than a man supplied with inferior tools. Moreover, in the domain of politics, the tools, *viz.*, the government system, have not only a practical significance but a very important educational function. Indeed, they either enable the citizens to control efficaciously the march of public affairs, or hamper them in so doing by hindering their efforts whenever they take an initiative.

A marked change has taken place during the second half of this century in the organization of the Helvetic Democracy. The latter, at the outset, was akin in form to what is called representative government; the only notable difference was that the executive, both in the federal and in the cantonal spheres, was not at the mercy of a parliamentary majority. It was appointed either by the people or by legislative assemblies, for a term of years, and held office irrespective of party votes till the end of its tenure. Representative government has been gradually superseded by a sort of direct government in which the people themselves manage their own affairs—and this by means of their *comitia*. Sovereigns *de jure* they have become sovereigns *de facto*. The political centre of gravity has been displaced.

Three great steps have been accomplished in the line of direct democracy, and these three stages are the referendum, the right of initiative, and proportional representation. It is not our object here to state by a thorough analysis the precise form which the new institutions have taken and the particulars of their working. To treat this side of the question would fill pages with dry and documentary details of information which may be secured otherwise. We simply want to give a general view of the subject.

Our readers must bear in mind that Switzerland is made up of twenty-five small republics, twenty-two cantons, three of which have been subdivided into two half cantons. They form so many states, enjoying nowadays a rare degree of



autonomy having their distinct and separate history, and possessing an organization which frequently varies greatly from one to the other. Consequently to study politics in Switzerland is to travel intellectually across twenty-five democracies as different, in many respects, from each other, as were the small Greek republics. Athens and Sparta belonged to the same race and spoke the same language; but that was all, and the student of politics might have been fully acquainted with one and entirely ignorant of the other.

In Switzerland, however, there are not merely separate states to consider, since they have realized the scheme which the Greeks vainly dreamed of for their beautiful country; since although separated, they have succeeded in uniting for the sake of higher national interests. The sister republics are members of the Swiss Confederation, which also has a political life of its own.

Before dealing with the main point of the subject, a few preliminary remarks will help to explain the causes of the phenomena we are about to describe. The stream which we shall follow has deep and secret sources.

As a rule, all the improvements of any importance that take place in the Swiss Democracy originate within the bounds of the cantons. Here is the laboratory for new political and administrative schemes. It is only after having proved successful on a small scale that an experiment has a chance of being tried in the sphere of the Confederation, and the reason for this is obvious.

There are changes which are better tested in humble communities. Here, indeed, the people can bring their interests to a practical issue more readily than in larger commonwealths. In fact there is no discovery of any sort which has not in its past development a period of patient and obscure preparation. And there we find, by the by, a testimony to the excellence of decentralization as an incentive for a people to modify their political organization according to circumstances and the nature of their peculiar genius.

It must also be borne in mind that the new departures in the evolution of the Swiss Democracy have been in no way discoveries in the proper sense of the word, forms which did not exist and were brought to light and to life by dint of science, mental effort and meditation, but only and purely outgrowths of old forms of government, which have been properly adapted to the needs of modern life.

It is known that in some communities the citizens, from time immemorial, have met on an appointed day, generally now in the first weeks of the spring, mostly in May, to elect their magistrates, ratify the new laws or measures prepared by the authorities, vote the taxes and, in truth, act for a few hours as a nation managing its own affairs. Here we have what the German language has termed *landsgemeinden*, or assemblies of the people. Nobody has ever attended such mass meetings without being deeply impressed by their simple grandeur, nay, their sublimity. Let us quote a few lines from Edward A. Freeman's "The Growth of the English Constitution," to show what an Anglo-Saxon thinks of such a spectacle:

"Year by year, on certain spots among the dales and the mountain-sides of Switzerland, the traveler . . . may look on a sight such as no other corner of the earth can any longer set before him. He may there gaze and feel, what none can feel but those who have seen with their own eyes, what none can feel in its fullness more than once in a lifetime, the thrill of looking for the first time face to face on freedom, in its purest and most ancient form. . . . There, year by year, on some bright morning of the spring-tide, the Sovereign People, not entrusting its rights to a few of its number, but discharging them itself in the majesty of its corporate person, meets in the open market place or in the green meadow at the mountain's foot, to frame the laws to which it yields obedience as its own work, to choose the rulers whom it can afford to greet with reverence as drawing their commission from itself. . . .

"We may see the institutions of our own forefathers, the institutions which were once common to the whole Teutonic race, institutions whose outward form has necessarily passed away from greater states, but which contain the germs out of which every free constitution in the world has grown."

Beside the *landsgemeinden*, in which the citizens of a whole canton act as lawmakers and sovereigns, a practice of a similar character, although more modest in importance and more reduced in its field of action, exists in the "communes,"—(*Gemeinden* in German, analogous to the New England towns)—of different cantons, where the citizens hold, on the same principle, conventions *in pleno* to discuss and settle their local affairs.

Now, it may be observed that on such occasions the people are at liberty to overthrow the work of their rulers, if they choose. This is the principle of the *Referendum*. They have on the other hand a right to move any kind of proposal which they hope may become a matter of legislation. This is the right of *Popular Initiative*. And, at last, all shades of opinion stand face to face in those great comitia; there is no exclusion of a political party by another party on the ground that majorities can overrule and oppress minorities. This is the starting point of *Proportional Representation*.

But what are the causes which prompted the Swiss people to come back to the old features of primitive self-government, and to adapt them to the necessities of the times?

The reason of the reappearance of the system of direct democracy is the failure on the part of the representative government to make good its promises. Between the years 1846 and 1848, the last surviving oligarchies had collapsed and had been succeeded by governments freely chosen by the people. But very soon the people came to the conclusion that they were in the hands of "rings" or "cliques," organized for the purpose of grasping the honors and the benefits attached to the possession of power. The interests of the masses were neglected, important minorities had but few members to defend their views in the political assemblies, special measures having been taken violently to suppress their influence, for gerrymandering and electoral tricks are not entirely American devices and the Swiss may

claim some part in them. The public expenses were rapidly increasing, and the taxes, too, in the same proportion. It was a very frequent thing to use the enlarged revenue, not with a view to develop the natural resources of the country but as a means to reward the political services, either of individuals or of collections of individuals, groups, special places, or districts. In short the Swiss soon perceived that their older oligarchies had often been better than the new ones, as the modern politicians were frequently men of shady reputations; indeed, the ancient patrician families, however narrow and unconscious of the necessities of the hour they may have been, were at least, as a rule, patriotic citizens, devoted to the public welfare, jealous of their good standing and not making a business of their political influence.

People, therefore, began to think of applying the methods of direct democracy to what had been thus far representative government. The principal change consisted in this, that the conventions of the people in mass meetings were replaced by consultations through the instrumentality of the ballot-box—the only practical form consistent with the conditions of communities of some magnitude in surface and population.

The referendum now exists in all parts of Switzerland, with single exception of the canton of Fribourg, where the Catholic Conservatives are all powerful. It is used also in federal matters. It presents two forms.

It may be compulsory, as is the case in the great cantons of Zurich and Berne. If so, all laws or measures of some interest which have been passed by the legislatures must come before the people who generally, however, are not called upon to express their judgment on them before there is quite a number of bills to be simultaneously acted upon. The majority of votes cast decides as to their adoption.

But the referendum may also be optional. Such is the case in many cantons and in the Swiss Confederation

considered as a nation. What is then required to start the machine is a petition signed by a certain number of citizens; in the Swiss Confederation (containing nearly 700,000 voters), 30,000; in the canton of Geneva (with about 20,000 voters), 3500; in the remaining cantons the figures are calculated to correspond with the size of their population. The request sent to the authorities asks them to submit to the people some particular bill. This having been done, the rest of the proceedings is the same as for the compulsory referendum.

It should be noted that public opinion in Switzerland is deeply divided as to the comparative advantages of the two forms of referendum. Partisans of optional plebiscites say that what they principally want is a kind of sword of Damocles hanging over the heads of the men in power. But that system imposes on the citizens a great deal of trouble and considerable expense in collecting signatures. It presents also this drawback, that it unfavorably prejudices the question at stake. Why this is so any one may readily understand. An agitation having been especially directed against a certain bill the popular mind is likely to be affected by it when the day comes for the final vote. For these reasons the drift of sympathies tends decidedly towards the compulsory referendum.

The referendum is a negative right, a sort of veto power left with the people. But a sovereign not only needs to be armed with a right of undoing things: it must also possess a positive, a creative and a constructive right as law giver, and this is exactly what the popular initiative means.

Practically the initiative is a method of allowing the individual citizens to submit to the people any kind of proposals they wish. This law-making process reminds one of what takes place with the referendum. It begins with the drawing and signing of a petition, but the names which must accompany it may be more or less numerous than for the obtaining of the referendum; there is here

no strict principle involved—in the Swiss Confederation the number of signatures has been fixed upon at 50,000; in the canton of Geneva, at 2500.

There are two manners of presenting a proposal to the people. The first thing which may be done is to ask the authorities, be it the Federal Chambers or the Cantonal Legislature, to frame a law or take any measure with a specific purpose. This demand, whatever its nature, must be complied with.

The other way is to have the petitioners themselves present the law or measure in which they are interested, under the definite form it should receive. They act with the whole of the nation in the same manner as the members of a deliberative assembly act with that body, when they come forward to move a resolution. There are good reasons to think that this second form will more and more obtain the preference. People who have any desire to see legislation modified have a greater confidence in their own wisdom in framing a bill than in the hurry of a political body to gratify, by their legislative collaboration, a purpose with which they do not always sympathize.

The referendum and the right of initiative have given rise to some objections. The former, it has been said, is essentially negative, it has canceled a great many measures enacted by the authorities, it impedes legislative work. This is an exaggeration. The rejected measures fell by the verdict of the public because there was something in them, which the people did not approve. Later on those laws are taken up again by the legislature or chamber. After they have been revised so as to form a kind of second edition, they are then adopted or ratified by the people, without difficulty.

The right of initiative, it is alleged, has thus far only resulted in federal matters—and, cantonally, it must work in much the same way—in bringing about strange results. In its first operation, two years ago, it introduced a law

against the Jewish mode of slaughtering cattle; in the second one, on the third of June, 1894, it endeavored to have the "right to employment" acknowledged by the constitution; this was rejected. Before coming to the third and last operation, let us pause a moment. Here our answer, in presence of such facts, is that the right of initiative, especially at the outset, was expected to have some awkward consequences. But where is the serious harm it may be instrumental in doing? It can incorporate in the constitution things of a queer appearance, such as the butchery ordinance of 1893,\* but these apparently awkward measures happen to be in accordance with the popular wish. This is democracy. It can also deal with proposals of an impractical, dangerous, socialistic character, as the right to labor, but in an enlightened community such schemes are sure to meet with a decisive opposition, and in such circumstances the resort to the plebiscite has the effect of purging the political atmosphere of chimerical and distracting elements. This clearing the ground has been generally acknowledged to be most useful.

But let us come now to the third and last case in which, up to the present time, the right of popular initiative was resorted to. The question at issue originated among the Catholic and some Protestant Conservatives, and was soon known under the very appropriate name of the "Spoils Campaign" (*Beutezug*). The bill framed on this occasion by the initiators aimed at obtaining money from the federal treasury for the different cantons which was to be apportioned at the rate of two francs per head of population.

The chances of success for the new crusade were great at the start. The federal government had caused some

\* A short explanation may here be required. In spite of an undeniable dash of antisemitism to be regretted, that regulation, now a constitutional amendment sanctioned by the citizens, must be regarded as an important step in a new direction. The Swiss people declared that public law should not neglect questions of humanity, even towards animals. If local or cantonal authorities had in that respect given satisfaction to the feeling of the people, the strange ordinance would never have been thought of.

dissatisfaction by exaggerated expenses and by somewhat undemocratic conduct toward the wishes of the people. A few days before the popular vote, there appeared in one of our periodicals a discussion of the question by M. Numa Droz, late president of the Swiss Confederation. He said that the referendum was good for the welfare of our commonwealth as a means of controlling the work of the lawmakers, but he considered the introduction of the right of initiative as the beginning of the era of demagoguery. If the "Spoils Campaign" should succeed, said he, the basis of our public law would be altered and shaken, and no other resource would remain to the friends of democracy than to call together a convention in order to frame a new Swiss constitution, doing away with such exaggerations of democracy. Never since the agitation of 1848 had Switzerland experienced such a vital crisis.

But the "Spoils Campaign" was defeated by more than two to one in the vote of the fourth of November last. The atmosphere suddenly cleared. The fears expressed by M. Droz vanished. Everyone felt that the Swiss people was ready for direct democracy. The *Temps* of Paris echoed such views and said that the Swiss democratic institutions were now proven safe. It is to be observed that the same paper had begun by asserting that they would upset our democracy.

Now we come to the third of the decisive conquests of democracy in Switzerland, *viz.*, proportional representation, the introduction of which was accompanied with greater difficulties than attended the referendum and the right of initiative. The object in view, as has already been said, was to enable the different political groups existing in the community to make their influence felt in political bodies.

According to the "majority" system now in force almost everywhere, the party forming the majority is entitled, in each electoral district, and each district as a rule elects several representatives, to the possession of all the seats to be filled at the polls. It may, it is true, not avail



itself of its right and make some concession to the minority, but this is only an accident, a pure exception. This anomaly, inherited from the times when a tyrant wielded a despotic power, has this consequence, that there are many citizens who are practically deprived of their part of sovereignty, who never succeed in electing one of their candidates anywhere, and become, in fact, a caste of modern pariahs, in spite of all the glorious professions of modern democracy summed up in the celebrated motto of the French Revolution: "Liberty, Equality, Fraternity!"

But injustice and oppression, even when they wear under the hypocritical mask of legality, bring forth bitter fruits. What would become of a financial corporation from which the stronger party could expel the weaker? The corporation would break up. If a state is not shattered in the same manner when the majority of its members violate the rights of the minority, it is only because there is no possibility for the dissatisfied to retire from the political compact, but nevertheless harmony is destroyed and violence must needs be felt in some way or other. Popular representation is in its essence fair representation. Any opinion which is professed by a group of men of some numerical importance has, in each electoral district, a claim to obtain its apportionment, greater or smaller, according to its strength, in the distribution of the seats.

As soon as this improvement on the old tyrannical methods has been achieved the ballot is no longer a desperate battle between antagonistic armies. It is a peaceable competition in which the different athletes obtain the reward they are entitled to. The seats in the political bodies, instead of being taken by storm, are distributed among the combatants in the *ratio* of their numerical importance, and, in that way, representative bodies may be compared to a reduced photograph of the whole nation.

As early as 1864 there was founded at Geneva, by the initiative of Professor Ernest Naville, the great and eloquent

advocate of proportional representation, the first association for the promotion of the new principle of which the noble-minded John Stuart Mill had been one of the first apostles. Sad events had made the minds of men reflect on the iniquity of the electoral system in use; the two prominent political parties, the Conservatives and the Radicals, had collided in a fratricidal riot on an election day, and blood had stained the streets of the old city. Very soon the "reformists" started sister associations in other parts of the Swiss Confederation.

Then, for about thirty years, proportional representation was most carefully studied from every side, and its modes of application appeared in a definite shape. The system was ready for use, but who would take it? A very nice and good thing, exclaimed men of a realistic turn of mind, but purely utopian, and nothing else!

Such was the situation until four years ago. At that time a revolution broke out in the canton of Ticino, that portion of Helvetian territory bordering Italy, and in which the Italian language is spoken. The government of that region had fallen into the hands of the Conservative or Catholic party, but recent elections had revealed the fact that the people by a small majority were Liberals.

Gerrymandering or, as we say, electoral geometry, had permitted the Conservatives to retain the power. After their *coup d'état* and an election in which they had obtained a very precarious plurality, the Liberals in their turn were greatly inclined to use gerrymandering in the other way.

But, by so doing they would have assumed the responsibility of a protracted and fruitless agitation. Proportional representation soon appeared to both parties as not only the surest, but the only resource left to them to pacify the canton. Thanks to the careful study it had received at the hands of the associations of reformers all over the Confederation, it was in fit shape for immediate use, and it gave satisfaction to all.

Here we must stop a moment to make a very important remark. Had not the system of proportional representation been carefully worked out by men who, believing in the correctness of the principle, were desirous of changing the basis of the electoral law, the great achievement in the cause of justice and peace we now rejoice at, in Switzerland, would not have been effected. Is not this an eloquent encouragement to every man to look for the truth and prepare its advent, no matter if the feeling of the people should even be strongly adverse or skeptical at the beginning? The reformers, a small handful of workers, met with but little encouragement at first, they were opposed by almost all the men playing some part in politics and who enjoyed the reputation of being practical. But an hour came when the stone intended to be put at the corner of the edifice of democracy was found useful and was used. In the organization of free government there is something which is left to the brain and the spirit of research. The power of thought is a living force and no department of the world can prosper where it is stagnant.

From the canton of Ticino the movement pursued its course. The new electoral system was adopted two years ago by the cantons of Neuchâtel and Geneva, and last spring by the canton of Zug. In many others its day is coming.

But what of the Federal Chambers? A movement is on foot, supported by men of varied opinions, to introduce there also the proportional principle, but we know by experience that the fortress of the Confederation does not surrender to political reforms until most of the cantons have been conquered.

I am disposed to think that my readers would be gratified at obtaining some information about the method used in applying proportional representation. This point may be explained in a few words.

The methods vary from one canton to the other, although they all come to a satisfactory result. The difference lies

mainly in the fact that they do not all leave to the voter the same amount of liberty. Hence their greater or less degree of complexity. Suppose, for instance, that it is not permitted to put on a ticket a name which already appears on another ticket, in that case the electoral operation is much simplified, but the voter is somewhat disturbed in his habit of voting for any man he likes.

We do not hesitate to say that the mode which has been adopted in the canton of Geneva answers better than any other the requisites of the system. In the preparation of that law special honor is due to M. Alphonse Frey, a member of the reform association and of the cantonal legislature where he introduced the bill which became our present electoral law. The following are some of the prominent features of the method.

Every group or party must present its list of candidates, its ticket, a few days before the opening of the polls. The tickets may contain common names, but the common candidates are compelled to declare for what ticket they desire to stand; otherwise their option is obtained by lot.

All the suffrages given to a common candidate, no matter from what source, are counted as one suffrage, not only to him but also to the ticket to which he declared himself to belong. Suffrages given to men not official candidates are considered as null and void. Incomplete tickets, *viz.*, tickets containing fewer candidates than there are seats to be filled, are permitted, and it is expected that they will become the rule. Here is, for instance, the "Liberal ticket." Suppose there are ten names to be polled for. The Liberals say: "According to our importance we may expect to obtain two seats, under the most favorable conditions, three; in order, however, to feel perfectly secure we will present four candidates—Frank, Henry, John, and William."

Now the time for counting the vote comes; how will it be done? We will take some instances and to make things simpler, will deal only with the "Liberal" vote. Let us

then read and count a few ballots, presenting the principal combinations which may occur.

First ballot. Here we have the ticket unchanged, Frank, Henry, John, and William. We shall sum up the vote as follows: Expressed suffrages, 4; unexpressed ones, 6. Value to the credit of the "Liberal ticket," 10 *suffrages*.

Second ballot. One of the four names, Henry, has been struck out and not replaced. Expressed suffrages, 3; unexpressed, 7. Value to the credit of the Liberal ticket, 10 *suffrages*. We may observe, that crossing off one or several names on a ticket is not forbidden, but, on the contrary, recommended as a means of placing the candidates in the order of preference.

Third ballot. Here we read, Frank, Henry, John, William, Charles. Charles is a name borrowed from another official ticket which we will call the "Patriotic ticket." The result is: Expressed suffrages, 5; unexpressed, 5. Total, 10, of which 9 to the credit of the Liberal ticket and 1 to be added to the count of the Patriotic ticket.

Fourth ballot. Frank, Henry, Abraham—three names, of which two only are regular candidates. The latter not being a candidate—we suppose, indeed, that it is not to be found on any of the official tickets—is considered as null and void, and the summing up will be: Expressed suffrages, 2; unexpressed, 7; null and void, 1. Total, 10, with the figure 9 to be placed to the credit of the Liberal ticket.

When the counting has been done separately for all the ballots, classified according to their categories, it remains to form the special count of every ticket and to apportion the seats. This does not present any difficulty.

Let us suppose that the Liberal ticket polled 9407 suffrages (expressed or unexpressed); the Patriotic ticket, 3227; the National ticket, 2081, and the Independent ticket, 6339, and that there are no other tickets in the field. The final result will be given by a simple rule of

three. But first of all we must add the four numbers, which give 21,054 suffrages.

Then comes the elementary rule of proportion: Liberal ticket, 21,054:9407::10 seats:x; Patriotic ticket, 21,054:3227::10 seats:x, and so forth.

The candidates to be sent up to the deliberative body by each ticket are taken on every ticket starting from him who made the highest poll and going down until the repartition is complete.

To sum up the matter, let it be understood that there are two countings, the counting of tickets and the counting of personal suffrages. The first operation gives the proportion of seats which must be attributed to each group or party, while the counting of names on each ticket assigns to each nominee his respective position within his own party or group between the candidates of his political color.

When a member of the assembly dies during his tenure of office, he is succeeded by the first of the non-elected candidates on his ticket, and a by-election is thus saved. The adversaries of the reform at Geneva had boldly announced that the counting of votes would be most complicated, so that it might last till doomsday. They were entirely mistaken and they have been obliged to acknowledge their error. In reality it was sooner done than formerly under the old system. Tables of recapitulation had been prepared and work went on without the slightest hitch. The greater part of the ballots are deposited in the ballot-box without any change, which greatly helps the work.

I can hardly describe the feeling which was experienced at Geneva at the first application, some three years ago, of the new electoral law. All were amazed at the beauty of the result, and the former adversaries of the improvement were no longer disposed to wage war against it.

Instead of the two ordinary adverse tickets we had five, one of the great parties having divided into two secondary groups, the other into three, but after the election they again

fell into two great political parties. As soon, however, as politics do not form the main interest there will be a tendency more and more accentuated for these five groups to subdivide again, like living mosaics going with facility from one place to another.

The movement towards proportional representation may be considered as irrepressible now in the Swiss Confederation, and the Swiss expect that it will in the course of time, go the round of the other civilized countries. There are already almost everywhere associations actively engaged in promoting its development and at the head of those associations we find men like Sir John Lubbock in London, Professor Emile Boutmy, director of the School of Political Science at Paris. There are reviews and pamphlets carrying everywhere the doctrine; there is one in Switzerland, there is another excellent one in Belgium, and we have applauded here the appearance, two years ago, at Chicago of a valiant little periodical, the *Proportional Representative Review*. We may have hopes for the future abroad, as well as in Switzerland.

Nothing at the present time is more striking than the advance of proportional representation in Switzerland, its native place. Hardly a month passes in which some new step is not made. The latest and most decisive success has been the adoption of the system in the federal city of Berne for the election of the municipal authorities. This result has been attained by the union of the Conservatives with the Socialists against the Radicals. The town, thanks to decentralization, acted on that occasion as a political unit. In the canton of Fribourg, one of the last bulwarks of ultramontane despotism, proportional representation is optional in municipal matters, and recently some places availed themselves of that possibility. Now more than ever the introduction of the new mode into federal elections is the great aim of many. Other reforms will still be accomplished in the line of direct democracy in the small land walled in among the giant-like ridges of the Alps.

One more subject is worthy of notice, *viz.*: the compulsory vote which is just beginning to be practiced in some districts of the canton of Zurich. This step is in full accordance with the principle involved in the notion of democracy, and it must be borne in mind that, in the *landsgemeinden*, attendance is compulsory. It is, indeed, the people and not a portion of the people that form the ruling sovereign. In the constitution of the canton of Neuchâtel voting is presented not as a right but as a positive duty, but there is no penalty prescribed in the law for negligence of the duty which is an anomaly. A small fine, as in Zurich, may be commended.

We can observe at the same time how expedient it would be to annex to the compulsory vote the voting by proxy, accompanied with every kind of guarantee as to the honesty of the dealing. Here again Zurich, the foremost Swiss democracy, stands as an example.

But what is most urgent is the extension in all possible directions of the popular privileges already enjoyed. They must be adopted in municipal as well as in cantonal and federal matters. This is what is now in progress. We mentioned above the introduction of proportional representation into the town of Berne; the municipal referendum was adopted in the canton of Geneva a short time since.

As for the rest we must express some regret that the experiments in the way of democracy did not begin in the circle of the commune or parish. It would have been their natural birthplace. M. Leroy-Beaulieu, the editor of the *Economiste français*, declared himself in favor of a municipal referendum; and what is "local option" in America if not the germ of a municipal referendum which might be enlarged?

On the other hand it is evident that proportional representation was the first step to take, since it is the central point of reforms, and a point of such importance that, after it has been gained, the other popular rights become less



necessary. But what would be the logical march of things is not always the historical process. Things develop usually much more according to practical necessities than according to a rational plan.

Nothing is more frequent now for us than to see foreigners come to inquire about the results of the changes in our democratic machinery. As a rule the people are satisfied, except impenitent politicians who regret the days of yore, when they were "making fair and foul weather," to use a picturesque French idiom; but such is the present tide against them that they feel bound to hide their wrath.

The conversation, however, generally goes further. What can we do, ask the students in sociology, to try among us the recent democratic experiments which did so much to make self-government a fact in Switzerland and purify the political atmosphere? Here is our opinion on the subject.

The rational program would be the application of direct democracy to municipalities, to begin with, and in that domain the introduction first of proportional representation, —the great reform—then, if the want of them be felt, the referendum and the initiative would follow.

But more than anything else, act according to circumstances. Whenever something needs a thorough change make the change with this great principle in view, to increase the powers of the people.

We are aware that this proposal will frighten many a liberal-minded man. But we ask: Are not the people the sovereign, since they select the different governments? The question at issue is to know whether they are better fitted to decide upon men than upon things. Here the answer resulting from the experiment made in Switzerland is clear. The very citizens who often choose bad men to act in their stead do show remarkably good judgment when they deal with concrete politics. In such cases they evince a rare degree of independence, and obey much more the impulse of their common interest than political passions or

prejudices. Be assured, the remedy for the evils of democracy is to be found in an extension of the democratic principle. The results in that respect have been a very great surprise in Switzerland to men of moderate opinions.

Thanks to circumstances, more than to their political genius, the inhabitants of William Tell's country have now got the upper hand of the politicians. On the ninth of June last, in the legislature of the canton of Geneva, one of the men warped by party spirit who most fiercely opposed the greater part of the views expressed in this paper, said: "Were it not for proportional representation, of which I am an adversary, I would say that referendum, popular initiative and proportional representation are the best methods of controlling local affairs." We would add of controlling the government, either municipal, provincial or national.

It is a pity, it will be said, that these institutions are not as well fitted for large as for small communities. It may be true, but should those tools be somewhat cumbersome it would not be idle work to try them and to see how they could be adapted to the needs of every nation. They are indeed up to the present day, the only actual check on the "politician." Better, a thousand times, embarrassing contrivances than polluted governments, where honest citizens have no means of resistance nor of changing the course of things.

LOUIS WUARIN.

*University of Geneva, May, 1895.*

## THE SOCIAL BASIS OF PROPORTIONAL REPRESENTATION.

It must not be thought that by the advocacy of any one political reform—as that of proportional representation—one means to assert that the adoption of that reform measure would cure the ills of our political society. Society is too complex for that; but as society changes under the influence of changing times, it behooves us to see that it grows better instead of worse. Hence, we are bound to advocate any and every reform that will do good. Now a system of proportional representation, *i. e.*, a system by which each political party would secure representation in proportion to its numbers, while it would not remove all our political troubles, would still do much good.

The study of politics rests largely upon careful observation and knowledge of human motives. The most successful statesman is he who applies this knowledge best.

To be practical in the discussion of social questions, if one looks for immediate results by the way of political action, one must assume that human motives, in the main, are practically unchanging. To-day men act from the same motives as fifty years ago; after fifty years have passed their motives will remain still the same, though there will often be changes in the manifestation of these motives. Great reformers like Buddha or Christ, it may be, can put the leaven of a new life into the world and look for the results to a change of men's natures in forthcoming centuries. But it is not practical for political reformers seeking immediate results to trust to a remodeling of human nature. The problem that confronts them is how to organize the political forces of to-day so as to make the present social motives benefit society. "No man can escape the spirit of the age,

or do much good except as its servant, but he can be its intelligent servant and not its slave."

The motives which at present affect political action in ordinary times are practically, as a whole, egoistic, despite many individual exceptions. In times of national danger, nearly all men become patriotic and are willing to sacrifice themselves for the good of the state. But in times of peace men's motives in their political action are practically the same as those that influence their business action. When their own personal interests are not clearly at stake, and this is possibly true in the majority of cases, they are likely to vote from habit, or from a partially unconscious desire to please those whom they meet in social life. It is less trouble for them to do so, and so their self-interest directs. The men who carefully think out the issues of the day before each election and vote accordingly for the good of the state are few.

By the state we mean, speaking broadly, society organized to rule itself, by force, if need be. In this respect the State differs from other social organizations, as the Church. All government implies rule by force, and the circumstances of life make it evident that the rulers of society must be few. Every person enjoys directing others; no one likes to be dominated. In consequence, there is always a conflict for the ruling place between different individuals and different classes made up of those with common interests in society, and the strongest win. The source of strength is sometimes, as in the rude tribes of an early stage of society, physical. The man with the greatest brute strength and skill becomes the ruler. Craft also in early societies is a prominent source of strength, and determines the ruler. Often in undeveloped societies the man whose cunning enables him to play best upon the superstitious fears of his fellows, upon their untrained religious instincts, in this way proves himself the strongest and becomes, as priest, the ruler. Or the same priestly power may rule without

deception by making use of the same motives in human nature. Ordinarily as industrial society develops, the power of arms goes with accumulations of capital, and the wealthy make themselves the rulers, and direct the state in their own interests. In modern democracies, in theory, it is assumed that the majority rules. There is no longer, in theory, a contest for the ruling place between the wealthy and the poor, the strong and the weak; but there is in theory a government of the people, by the people, and for the people, and we forget that a ruling majority implies a ruled minority.

As a matter of fact, however, in our modern democracies it is ordinarily not the majority which rules, whatever our terminology may imply; but our democratic systems give us still a ruling minority determining the actions of the majority. Our political managers assume that voters ordinarily seek their own interests. They seek to build up their parties on the principle of the Greek statesman, who asserted that political parties might be based upon either principles or interests, but that it was much safer to found them upon interests. Yet the political managers themselves when in power, acting for themselves and for their parties, and betraying the interests of the majority, have so arranged our political machinery that it invariably gives unfair power to one political party at the expense of the other. Under our plurality system of election in representative districts, and, especially through the influence of the gerrymander, we reach results that are far from just.

The Republican party, whose congressional representation passed the McKinley bill, cast less than a majority of the popular vote. The Democratic party, with its overwhelming majority in the House of Representatives to pass the Wilson bill, still failed to give a majority of the votes cast to the Democrats.

With 47.2 per cent only of the popular vote they secured 59.8 per cent of the Representatives; whereas the Republicans, with 41.9 per cent of the total vote, secured only 36.8

per cent of the Representatives. The 8.7 per cent of the Populists obtained 3.4 per cent of the representation, while the Prohibitionists' 2 per cent secured nothing. The last election in the fall of 1894, that may be considered even more of a tidal wave than that of 1892, was still not great enough to give the winning party a majority of the popular votes cast. The Republicans with 48.1 per cent only of the total vote secured 68.8 per cent of the Representatives, while the Democrats with 31.1 per cent of the vote have secured 29.2 per cent of the Representatives; the 12 per cent of the Populists has obtained 2 per cent of the Representatives, while the 1.6 per cent of the Prohibitionists secured nothing.

The House whose term has just expired numbered 131 Republican Congressmen, 213 Democratic Congressmen and 12 Populist Congressmen. A fair representation by the numbers of the votes cast would have given to the Republicans 147 Representatives, to the Democrats 168, to the Populists 31, to the Prohibitionists 8. The House elected to meet next December contains 245 Republicans, 104 Democrats, and 7 Populists. A division in proportion to the popular vote would give to the Republicans 171 members, to the Democrats 136, to the Populists 43, to the Prohibitionists 6.

Gerrymanders in the different States give us results no less striking. The State of New York in the incoming Congress will have 29 Republican and 5 Democratic members. A proportional division of the popular vote would give to the Republicans 19, to the Democrats 14, to the Populists 1. The overwhelming Republican vote in Michigan, that gave to the Republicans 12 members of Congress, to the Democrats none, and that in the State Legislature has given both Houses to the Republicans with the exception of one lone Democrat in the lower House, obtained in some way an unfair advantage. A proportional representation of the Congressmen would have given the Republicans 7, the Democrats 4, the Populists 1. So, too, Pennsylvania, with its 28

Republican and 2 Democratic Congressmen, should divide its congressional representation so as to give the Republicans 18, the Democrats 11, the Prohibitionists 1.

The real representation, however, is still further from the proportion laid down in our political theories than these figures would seem to imply. No one pretends that if there is any conflict of interest the majority is to take into account in any way the interests of the minority. If a party carries a State by but an even vote plus one, the minority, large as it is, is entirely disregarded on all questions affecting party. Laws passed under caucus action may often be carried by those who represent little over one-quarter of the voters, or even less than that.

But the conflict between the social and industrial classes for this ruling power appears in still another way. Not merely is it true that where there are more than two political parties often a comparatively small minority of the whole people may receive the total representation and direct the power of the government against the wishes of the majority; but it is still further true that this minority is generally made up of the same classes in the population, or of those who represent the interests of certain classes. Ordinarily the wealthy secure the representation, either directly or indirectly. In many cases the cost of nominations and elections is so great that only well-to-do or wealthy men can stand as candidates; this is especially true in England. If poor men will for any reason in the minds of the politicians make better candidates, they still of necessity fall under obligations to the rich for furnishing the means to carry the elections. Men who have been long in political life as professional politicians naturally secure their nominations and elections by serving their party, and party managers know that it is largely to the well-to-do and the wealthy that they must look for their campaign funds and for their campaign influence. Votes are secured, not merely at times by buying up the votes of the poor, but

more frequently still by raising false issues that the ignorant cannot see and by leading them to believe that they are serving their own interests when they are, in fact, serving the interests of their masters, the wealthy minority. Legislation in most civilized countries for centuries past has shown that in the main it is the rich that have ruled, and that they have ruled in their own interests though this is probably less true here than elsewhere. Even when the rich or their representatives are conscientiously trying to do their duty by society as a whole, it is practically impossible for them so to act. No man can see the interests of others, especially of those far removed from him in social situation, so well as he can see his own interests, and those of his class.

In spite of the large amount of labor legislation passed within the last few years, one may still cite the tax system of the United States Government, the tax systems of many of our States, as they in practice work, for the personal property tax is regularly evaded, and the legislation favorable to great corporations, as proofs of the assertions made.

Frank men who have been influential in legislation do not hesitate to say that the intelligent have always hoodwinked the ignorant, and always will do so. Even when, as of late in New York City, the government was made up apparently of the ignorant and perhaps of those who could not be called the wealthy classes in the community, the same selfish motive led the wealthy corporations to buy their legislation and immunity from plunder from the local government, and thus still to make it true that the government was in the interests and managed in the interests of the wealthy as against the poor.

It little becomes any of us, too, to single out New York for especial attack. In Philadelphia it is said by one of Philadelphia's citizens that even at the present day in the City Council one may see the "lobbyist of a great corporation openly directing the course of legislation, and all amendments in the interest of the public voted down without



serious consideration. That city is in a dangerous state whose ports and strongholds are in the hands of forces alien to her interests."

And yet this perversion of the simplest principles of democratic government does not arouse the indignation that we should expect from most of our citizens. Many of them, and those the best, fear the rule of the majority. They speak of popular government, but they really wish to exclude, sometimes the foreign vote, always the ignorant, and what amounts to practically the same thing in many cases, the vote of the poor. If this can not be excluded so as to give us legally the rule of a comparatively speaking small number of the well-to-do and intelligent, they are willing to wink at the deceits practiced to deprive the more ignorant classes of their real voluntary representation. If one may judge, however, from the signs of the times, from the increasing power of organization shown by the poor, and the rapidity with which they are coming into prominence as political factors, one may expect to see in a comparatively short time the real rule of the majority.

Can we trust this majority when it comes into power, or does their rule mean, as so many fear, the plunder of the wealthy and the rule of injustice? The question is a fundamental one. It means, Is democracy possible? If negatived, we must either, under a pretended democratic form of government, continue the rule of an oligarchy, or we must expect a social revolution that will lead us, we know not whither. Can we trust the real majority?

It is beyond question true that the average voter is incompetent to settle many of the complicated questions of government that arise to-day. The discussions over the banking system, the tariff, foreign loans, etc., show that even our best-informed, most intelligent citizens, have more than they can do to agree upon a safe and beneficial policy. If they fail to agree, or if they fail even to unite into parties with distinct opinions on such subjects, what can we expect

of the more ignorant majority? Mr. Gladstone well said, in arguing against Mr. Lowe for the extension of the suffrage: "It is written in legible characters with a pen of iron upon the rock of human destiny that within the domain of practical politics the people must, in the main, be passive." "Never can the average man be reasonably called upon to think out measures for himself, in all their baffling detail." But they may still perhaps be able to choose wisely some one to do their work for them. All business men employ experts—lawyers, chemists, physicians. Why not employ trained statesmen?

What are the essential qualifications for citizenship in a democracy? There is needed in the first place as Mr. Maccunn has said, "A sense of the prime importance of permanent elements of national well-being," such as personal security, property, reputation, free speech, toleration, education, decency of life, national honor. This does not require much intelligence, and this sense most men, even the ignorant ones, have. Again the average citizen needs a public spirit that will lead him to prefer the interests of the state, of the many, to his own. This qualification is one that certainly cannot be expected in ordinary times of any great class of citizens, but it is a spirit that we shall probably find as common in the ignorant and poorer classes as among the wealthy and educated. Those who work most among the poor are often touched by the unselfish readiness with which they give the little that they have to those still more in need. And, as regards their actions in political matters, there can be no better witness than Mr. Gladstone, who says: "A long experience impresses me with the belief that this evil temper (that of selfishness) does not grow in intensity as we move downward in society from class to class. I rather believe that if a distinction is to be made it must be drawn in favor of, and not against, the classes, if such they must be called, which are lower, larger, less opulent, and, after allowing for trades unions, less organized."

If the average voter has these two qualifications as well as have the rich and intelligent, we may trust him to elect a representative that will serve his interests and those of society best, when, and if, the choice is placed fairly before him in such a way that he can recognize his own interests.

We must trust each class in society to look out chiefly for itself and its own. The strong ought to consider the weak, it may be true, but they will not, and, more than that, cannot. And still further, it is much better, so far as it is possible, for the weaker and more ignorant to look out for themselves. There is no better training in citizenship than the self-reliance that must come from putting the interests of each class into its own hands. We must in some way so modify our political machinery that all social and industrial classes shall get a fair representation in our legislative bodies, and that fair representation can be best secured by so arranging our political machinery that each class shall cast votes in proportion to its numbers, with the conscious knowledge that it is voting as a class and for its own class interests.

We must keep it in mind that we are seeking not a temporary good, but a permanent policy. The needs of the times, the needs of different classes are continually shifting, and the measures to be advocated are ever new ones. We must expect that in the effort to meet so complex needs, many mistakes will be made; but only the acts that tend toward the improvement of society will long remain in force. We need in office the men who most clearly see the needs of the day and of the future. Presumably each will see, or at any rate feel—and this feeling is of vital consequence—the needs of his own class best. For the good of the state the classes must patriotically compromise.

It may be said in opposition to this that the purpose of the state is to secure the good of society and that the recognition of different classes in society, and the putting of them

in conflict one with the other, will wreck the state instead of furthering its purposes.

The purpose of the state is to further the highest good of all (not necessarily the greatest good of the greatest number); and there can be no question that there are different classes in society, whether we will have it so or not, and that they are more or less in conflict. There is no doubt that these classes differ in intelligence, in wealth, in ability, in capacity for enjoyment, in needs. If we attempt to give them all the same gratification, the highest good of all will not be secured. The classes—if, indeed, we can separate society into classes on this basis,—with the greatest intellectual capacity need more to satisfy their wants and for the sake of society should have more than the ignorant classes. The classes with the most refined tastes need more and, for the sake of society, should have more; though all classes and all individuals ought to have a chance to show whether they have these higher powers and tastes. But it is beyond question true that the most intelligent have also more power, and that if they but exert themselves they each will cast more votes than one—their own and those whom they persuade by fair means to act with them. I am not entirely sure that from the standpoint of abstract political justice, if by that we mean the methods by which the good of the state can best be accomplished, we should not give to the intelligent and cultured greater direct voting power than is given to the ignorant, as is the case in Belgium. But so far as our own country is concerned, that is beyond question impossible and undesirable, and we should rather trust to the persuasive power of the intelligent to secure these double votes by showing the less intelligent that their real interests lie in many ways in uniting themselves with the more intelligent.

Classes in society we have and must have, but the classification need not always be the same as it now is. If by our political organization we make it easy for each group in society to organize itself and to cast its vote effectively, new

groupings will take place. At present our political parties are not sharply divided. Our political leaders, to hold them together, are raising false issues, and no man knows where his interests lie. If we make it evident to each class in society where its interests are, we are likely to have, in a comparatively short time in the future, less of a conflict between the rich and the poor than now, but more a strife of the different industrial interests one against the other,—the agriculturalists seeking their advantage as against the manufacturers, the merchants theirs as against the transportation companies—and employer and workman may often find it to their advantage to contend together against other industrial classes rather than against one another. But, however this may be, each class will feel that it is justly treated, and can act openly for its interests as it sees them. Thus the industrial interests of all will be furthered.

Mr. Bryce makes a classification of the American people that is very suggestive in this connection, though we should not expect to see political parties grouped altogether in the same way. His groups are substantially as follows: (1) farmers; (2) shopkeepers and small manufacturers; (3) workingmen; (4) ignorant poor and tramps; (5) capitalists; (6) professional men (lawyers, physicians, preachers); (7) men of letters (including teachers).

The methods that have been proposed to secure this proportional representation are various. One method has been proved by experience in Switzerland to be entirely practicable, and this is the method formally approved by the American Proportional Representation League. In broad outlines the system is as follows: Any number of persons may associate themselves together into a political party for the nomination of officers. If they can secure the requisite number of signatures to make their nominations, the state will print their tickets at its own expense. The candidates are elected, not in separate districts, but in groups on a general ticket, each party nominating if it wishes to do so as

many candidates as there are places to be filled. The total list vote cast divided by the number of candidates to be elected will give the number that is fairly entitled to a candidate. The votes are first counted for the political parties, and to each political party are then assigned candidates in proportion to the votes that it has cast. It having thus been ascertained how many candidates shall be given to each party, within the parties themselves the candidates are selected by taking those in each party that have received the highest number of votes. For example, if ten candidates are to be selected and ten thousand party votes were cast, divided so that one party received 4000 votes, the second 3000, the third 2000, and the fourth 1000, the candidates elected would be four from the first party, three from the second, two from the third, and one from the fourth; whereas under our present system of election on general tickets all ten candidates would be selected by the first party, casting 4000 votes.

This system in its main lines has been shown, as has been said, to be practicable and simple. Four cantons of Switzerland have already accepted it. It is under discussion in two or three more, and some of the largest cities like Berne have introduced the system in their municipal elections.

The objections to the system, of course, are many.

1. Our political theorists frequently say that this will give us a system of class government, and that no democracy should recognize classes, that democracy implies equality and fraternity. However this may be from the standpoint of sentiment, in fact we do have classes whose interests are more or less antagonistic, and the harmony of interests can doubtless be best secured not by closing our eyes to the facts and attempting to let the stronger class, whether in the majority or the minority, hoodwink the weaker, but rather by openly recognizing facts and, by a fair system of representation, placing each class in a position to show clearly to

the people what its interests are, and what compromise will do most good to the state.

2. It is urged that under this system any group of fanatics could secure representation in our legislative bodies and thereby waste the time and energy of the legislators in promoting impracticable schemes. It is doubtless true that our reformers, many of whom are fanatical, would under this system secure representation. But it is also true that most of our fanatical reformers are high-minded, conscientious men, disposed to act unselfishly for what they believe to be good. Possibly the tone of our legislatures would not be lowered by the advocacy, at times, of even really unpractical schemes on moral grounds. The time so employed would probably be well spent. At any rate, whether well spent or not, if enough fanatics unite upon any one subject to secure a representative in our legislature, they certainly have a right to demand to be heard. And there are few public movements that secure the support of a group of our citizens so large as that, which have not suggestions to make that, while they may not be adopted in full, will yet be of use in modifying our legislation. We must not forget that the greatest political reforms have been led by those who were at first considered fanatics.

3. From the practical side it is often urged that this system would deprive us of any majority parties on which we could lay the responsibility for legislation passed, and that, further, our legislation would then have to be the result of compromise and bargain between different minority parties, and that it would often be true that a small party could hold the balance of power and either block legislation or force dishonorable trades. It would probably not be a serious misfortune to the state if legislation, instead of being forced through under the party whip, often at the dictation of one party leader, should have to be the result of compromise between different parties with conflicting interests. It would probably not be a misfortune to the state if many

measures now forced through under caucus action or secretly should fail entirely. It doubtless would be true that at times a small party holding the balance of power would be able to make trades with others in order to secure the passage of its own favorite measures. It would, however, be true that bargains of that kind could not well be secretly made, with many parties watching, and at any rate it would probably occur not much more often than now. Still, some trouble of this kind has been felt in Switzerland. However, the experience in Switzerland has shown that there is no serious danger of a very great multiplication of parties. It is certainly ordinarily true that not more than from six to ten candidates will be elected on one ticket, and in consequence there would certainly be no party that would represent less than ten per cent of the voters. Fifteen per cent in Neuchâtel must be secured to get any member.

It may be permitted, too, to mention briefly some of the direct benefits flowing from the proportional system.

As representatives are elected in groups, a change in public opinion regarding party policy, while lessening the number of representatives of that party would still leave in public life the strongest men. We could thence secure longer tenure of office, in the main, with a higher type of men.

The certainty of success in securing at least one candidate if the effort were made, would encourage men of independent tendencies to take a more active part in directing the policy of their party. Unless they were granted a hearing and representation within the party, they could secure success by bolting. Instead of producing weakness in our parties, this would probably prove a source of strength, party leaders being more conciliatory. This breaking of the tyrannical power of the party machine and the certainty of personal representation has shown itself in Switzerland by an increase in the number of votes cast, showing greater interest in political matters. The increased power of the



individual leads to more careful study of the issues of the day—hence to sounder political judgment.

Our best men are often deterred from entering politics now, because they are unwilling to submit to the dictation of party leaders, or to put themselves under obligations to these leaders. Under the proportional system this would not be necessary, and better candidates could often be persuaded to run for office. The gerrymander would be abolished, as Professor Commons showed in the *ANNALS*.\*

No mere repressive law against corruption of the voters can be so effective as one that takes away motives for bribery. No other plan has been devised that renders bribery so useless to both briber and voter as does this. The party leader knowing ordinarily that he cannot, by any amount of bribery, secure a working majority but only a few additional votes, will not incur the trouble, expense, and risk of bribery; while the voter, seeing more clearly his own interest in the election, is unwilling to sell his vote. A large proportion of our vote-sellers have no knowledge regarding the political issues of the day nor interest in them. Their vote is a source of revenue, and they look little farther. With parties formed on class lines and the voter feeling the issue at stake, the vote would not be for sale. Even now when the issue is clear and important, as in war days, votes are not for sale. Proportional representation would regularly and clearly define the issues and give every voter an interest in them.

If the system were to be adopted in our country it would beyond question be wise to introduce it at first in local elections. The unsolved problem of our city boards of aldermen might well be attacked by this system. The interests of those wishing good schools, or clean streets, or strict enforcement of excise laws, as well as of those wishing for open saloons, free franchises for street railways, or blackmail by the police, could then be represented by at

\* "Proportional Representation," *ANNALS*, Vol. ii, March, 1892.

least one or two voices; and it is but fair that each class—the ones that most of us call bad as well as the good—should be heard.

Finally, proportional representation is the only system that is in accord with our democratic institutions. Under our present plurality system we have in fact an oligarchy. Democracy with manhood suffrage does not mean a government by the rich, or the shrewd, or the intelligent, or even the moral classes. It is a government by the people as they are—rich, poor, educated, ignorant, prejudiced, fair-minded. It may not be the best form of government for us, though I believe that it is; but at any rate it is the form that we pretend to have, and we ought at least either to carry it out, or else openly to change it for a better.

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## THE CUSTODY OF STATE FUNDS.\*

In general two methods have been employed by the United States Government in keeping the public money. The one is known as the "bank depository system," the other as "the independent treasury system." Under the former system the public money is deposited in, and the fiscal operations of the government are conducted through, a bank or banks. Under the latter system there is, in theory, no connection with banks. Since 1846 the government money has been deposited mainly in the treasury and sub-treasury vaults under the provisions of the Independent Treasury Law. This system was slightly modified in 1863 by the law which established our national banking system. By the provisions of this act those national banks so designated might, under regulations prescribed by the Secretary of the Treasury, be considered United States depositories, with power to receive and disburse all government moneys except customs. Thus we have in the United States to-day a combination of the "independent treasury" and the "bank depository" system.

Mr. Howell Cobb, Secretary of the Treasury from 1857 to 1860, and an ardent supporter of the independent treasury system, recommended in his report for 1858 and 1859 that each of the States adopt this system. Professor Kinley,

\*The material for this paper the writer collected during the year 1894, while preparing for what is called the Joint Debate, at the University of Wisconsin. The facts and figures here set forth were obtained mainly through personal correspondence and from the annual reports of the State Treasurers of the several States. The material collected has been arranged in tabular form and is added to this paper as an appendix.

I am indebted to the State Treasurers of the several States, for valuable material furnished, but regret that in several instances repeated solicitation has not yet enabled me to secure the desired information. I am also especially indebted to Dr. R. T. Ely for helpful criticisms.

in referring to this in his work on "The Independent Treasury," says: "Ohio seems to have been the only State that seriously contemplated doing so, but the act to separate the State finances from the banks after passing the House was voted down in the State Senate." A careful investigation, however, shows that this statement is incorrect; we find that seven of our States are to-day employing this very system. The laws of Ohio, California, Kansas, Mississippi, Nevada, Texas, and Indiana require that all State moneys shall be kept in the vaults of the Treasury Department.

There can be little doubt that these State independent treasury laws have been modeled after our national system, and it is not at all to be wondered at, that during the vicissitudes of "wild cat" banking the States should have adopted what was then the safest method of keeping the public money. It is strange, however, that to-day in the face of the experience of forty other States and Territories these few still persist in maintaining so antiquated a system of public finance.

The experience of those forty States and Territories shows conclusively, I believe, the superiority of the "bank depository system." For the last twenty years it has been used with almost absolute security to the public funds. There has in that time, as accurately as I have been able to determine, been lost to the States through this system only \$36,915.19. In 1892 Massachusetts lost \$109.75. During the last forty years New Jersey has lost \$19,204.35. In the seventies West Virginia lost \$16,601.07. True, there is at present about \$416,000 of State money tied up in failed banks, due to the crises of 1890 and 1893, but a very small percentage of this money will ultimately prove a loss, the States being fully secured by personal and other bonds. It is a significant fact that in every case where a loss has occurred by depositing the State money in banks, no security has been required from the depositories other than that given to ordinary depositors.

The laws of the several States provide for various methods of securing the public money. The laws of Rhode Island, Connecticut, Delaware, Idaho, Louisiana, Maine, Massachusetts, Nebraska, New Hampshire, New Jersey, South Carolina, Vermont, Wyoming, and Utah provide only for the security given to ordinary depositors. In certain of these States, as in Massachusetts, the amount of money deposited in any one bank is limited to forty per cent of the capital stock. The laws of Arizona, North Dakota, South Dakota, and Washington hold the State Treasurer responsible for the safety of the deposits, and he may require additional security from depository banks at his option. The laws of Colorado, Florida, Georgia, Iowa, Kentucky, Maryland, Michigan, Minnesota, Montana, New Mexico, North Carolina (State banks), West Virginia, New York and Wisconsin require State depositories to give bond or bonds in double the amount of the State deposits. In certain of these States the security consists of personal security, prior lien on the assets of the bank, a deposit of collaterals, or a combination of two of them. It is enough to know that each of these methods has proved an effectual means of securing the State moneys against losses from bank failures.

Under the depository system the daily balances, in many of the States, are a source of revenue to the State; the depository banks paying a low rate of interest on daily or monthly balances. This rate varies in different States from one and one-half per cent to four per cent. The revenue from this source during the last year must have exceeded four hundred thousand dollars. In Louisiana the depository banks pay the State a bonus of \$10,000 for the use of the State money. The State Treasurer of Delaware is required to deposit the State money in the "Farmers' Bank" and its branches, in which the State owns three-fifths of the stock and the legislature elects nine of the directors. No interest is paid on such deposits. The bank depositories

of Iowa, Montana, New Jersey, Oregon, Pennsylvania, South Carolina, and Tennessee pay no interest on the public deposits. The average combined surplus in these States amounts to over six millions of dollars. These States lose over \$180,000 per annum by not requiring interest on these balances. The depository banks undoubtedly secure the remuneration which should accrue to the States.

The laws governing the selection of depository banks also differ in the several States. In some States, Delaware for example, the banks are designated by law. In other States, as in Florida, the banks bid for the money. The banks offering the highest rate of interest are designated as public depositories. In Georgia the deposit of State money is limited by law to banks located in certain cities. But in a majority of the States, banks are designated as depositories of the public money at the option of the State Treasurer, with or without the concurrence of a State Financial Board. In West Virginia the State Board of Public Works designates the State depositories.

The most striking feature of the "bank depository" system is its lack of uniformity. Yet in spite of this it has given almost universal satisfaction. The money has been kept by the banks with nearly perfect safety. Except in several States (Iowa, Montana, Tennessee, and South Carolina) for a short time during the panic of 1893 the banks have never found any difficulty in meeting the drafts of the State Treasurer. The regulations governing the State moneys in the several States are undoubtedly, as a whole, well adapted to the needs of the commonwealth in which they are in operation. But that greater losses have not occurred in some States having loose depository laws, has been due rather to the excellency of our national banking system than to the merits of such depository laws.

In order to secure the perfect safety of the public money the banks designated as State depositories should be required to furnish approved security in the shape of national, State,

or municipal bonds, or collaterals equal to double the amount of the State money held. Further, there seems to be no reason why the banks should not be required to pay to the State a low rate of interest on daily or monthly balances, nor why the State money should not at all times be subject to the draft of the State Treasurer. The former will secure to the State a nearly constant revenue, and the latter insures at all times the prompt payment of the State money.

This method of keeping the State money facilitates the collection and payment of the public revenue. In some States the depository banks disburse and collect the State moneys free of charge, and in all cases they use the money to enlarge their discounts. As stated above, the banks have found but little difficulty in meeting the drafts of the Treasurer on demand. Mr. Samuel M. Tate, of North Carolina, says that the banks having had the deposits of the State regularly for several years become acquainted with the needs of the department, and use the deposits to enlarge their discounts, maturing the same at such a time as to be in readiness to meet the Treasurer's checks. This is found to be the experience of most of the State Treasury Departments. The policy pursued by the State of Tennessee, where it has been the custom to leave in the county, where there is a depository, the revenue collected from that county, until actually needed by the State, seems eminently practical and advisable. Mr. E. B. Craig, the present Treasurer of that State, says he considers this a safe method of keeping the funds of the State, and certainly believes it to be beneficial to the people.

Such in brief has been the operation of our State bank depository system. Now let us examine the operation of the State independent treasury system. The seven States employing this system have in their vaults on an average a combined surplus of from four to nine millions of dollars. In Texas the surplus varies from almost nothing to three-fourths of a million dollars; in California the surplus varied

during eighteen months, from January 1, 1891, to June 3, 1892, from \$2,319,931 to \$5,167,020; in Kansas the average surplus is about \$400,000; the balance in the treasury vaults of Mississippi averages about \$400,000; the treasury surplus in Nevada averages about \$500,000; in Ohio it averages nearly \$800,000, and in Indiana it is nearly \$400,000.

Mr. W. B. Wortham, State Treasurer of Texas, says that a proposition was made in the last legislature to establish State depositories (national bank), but it was overwhelmingly defeated. He says further that the disbursements of their treasury are not irregular and therefore have no injurious effect on business.

Mr. J. R. McDonald, State Treasurer of California, in his report for 1892 says: "I have never been able to see the necessity or propriety of the State having two or three million dollars piled up in her vaults year after year, without any benefit to the State and positive detriment to the people; for the withdrawal of this large sum of money from circulation must tend to create a stringency in the money market and to that extent cripple the business interests of the State as well as enhance the price of money to the borrower." If this surplus were deposited in banks the rate of interest would not only be rendered more uniform thereby and the market made easier, but at the rate of three per cent there would have accrued to the State from that source alone a revenue of over \$75,000 per annum, without the slightest detriment to the public service.

In Kansas the State moneys have always been kept in the treasury vaults. Mr. W. H. Biddle, the State Treasurer, says that occasional bills have been introduced into the Legislature to provide for bank depositories, but have invariably been defeated, there being no pronounced sentiment against this system of "bolts and bars." He further says, "I do not consider our system of keeping funds in vaults better than State depositories since it keeps a large amount of money out of circulation." This system has been



condemned by treasury authorities in the State of Mississippi, but no pronounced sentiment has been directed against it. Mr. G. W. Richards, the State Treasurer of Nevada, states that there has never been any move in the direction of depositing the State money in banks, but he gives it as his opinion that the public funds should be so handled that some revenue may result.

Mr. William T. Cope, State Treasurer of Ohio, says: "The average balance in the treasury will probably be above one-half a million dollars for many years to come. The keeping out of circulation so large a sum of money, together with the large amounts locked up twice each year by the county treasurers have the effect to derange business and make the rates of interest to those borrowing money higher. I believe that a law authorizing State and county depositories would be a great benefit to the people of the State, and that the State itself would be benefited financially to an amount sufficient to pay all the expenses of the Treasurer of State's department."

Indiana keeps the public money in vaults by the silent acquiescence of the people. Kentucky had a similar system up to 1891, when H. S. Hale became State Treasurer. An old banker himself, he made a strenuous effort to have the treasury balance kept where it would be earning a revenue for the State. During the two years of his office up to 1893, the balance was deposited in banks, netting the public over \$26,000 in interest. In 1893 the Territory of New Mexico passed a depository law, "to which, with some slight amendments," says Treasurer Palen, "there can be little objection." The law requires no additional security from depository banks, and it is to this feature he objects. Bonds or collaterals should be required.

We see, then, that although at one time a considerable number of the States and Territories enacted laws modeled after our national independent treasury system, to-day only seven retain this system, and in these seven States we find

that a pronounced sentiment is springing up against the system.

To a lesser degree the State independent treasury laws have all the evils of our national system. The irregularity in receipts and disbursements has been recognized as injuriously affecting business. The money withdrawn from circulation causes a rise in the rate of interest, creates a stringency in the money market, and this stringency occurs at the worst time in the year being directly after the collection of taxes. The common sense policy would be to return this money into circulation as soon as possible. But under the "vault system" it is not returned except in the ordinary course of the State expenditures. I find that in the majority of the States the surplus is greatest in the months of January, March, April, and May. Thus the money is drawn from circulation just when money is needed for the spring demand.

The accumulating of so much currency in the vaults of the State treasurers is attended with more or less danger from bank robbers and burglars. Several robberies of that nature have occurred of late years in California. The treasury of that State with its four or five millions of dollars is constantly under a special guard, and last winter this guard was largely increased after the annual payment of taxes. On account of this danger the treasurers have great difficulty in securing good bondsmen. These evils, the direct outcome of the vault system, may be easily avoided by depositing the State and county funds in banks.

The State will have no difficulty in finding banks ready and willing to take the State moneys, giving ample security in the shape of bonds and collaterals, and paying interest at the rate of two or three per cent per annum. The State Treasurer of New York says that the banks are eager to secure the public deposits, paying from one and one-half per cent to three per cent on daily balances, and holding them constantly subject to the demand of the treasurer.

The facts herein presented go to substantiate the conclusions drawn by Professor David Kinley in his work on "The Independent Treasury;" that the system has been outgrown in this country; that there is no necessity for it, and that there is no good reason for its longer continuance. On the other hand we find many reasons for discontinuing such a system. In our own States we find the two systems working side by side. The independent treasury is the object of severe criticism. The bank depository system meets with nearly universal approval, and there seems to be little question that it should be substituted for the independent treasury in every State where that system exists.

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## APPENDIX.

STATE.	Average Balance.	Where Kept.	Rate of Interest.	Security.
Arizona . . . . .		Banks . . . . .		Treasurer gives bond for the territory in an amount fixed by law.
Arkansas . . . . .	\$400,000 to \$500,000.			
California . . . . .	\$5,167,020 to \$2,319,931.	Treasury vaults . . . . .		Bolts and bars. Special police guard.
Colorado . . . . .	\$600,000.	Banks . . . . .	4 per cent. payable quarterly.	Banks give independent bond.
Connecticut . . . . .	\$400,000 to \$700,000.	Banks . . . . .	3 per cent .	Same as for ordinary depositors.
Delaware . . . . .		Farmers' Bank and branches.	None . . .	None . . . . .
Florida . . . . .	\$150,000.	Banks . . . . .	2½ per cent	National, State, county or municipal bonds.
Georgia . . . . .		Banks . . . . .		Prior lien on assets of bank and bond.
Idaho . . . . .		Banks . . . . .		None . . . . .
Indiana . . . . .	\$400,000.	Treasury vaults . . . . .		
Iowa . . . . .	\$200,000 to \$300,000.	Banks in Des Moines.	None . . .	Bonds to double the amount of deposits.
Kansas . . . . .	\$500,000	Treasury vaults . . . . .		
Kentucky . . . . .	\$200,000 to \$500,000.	Banks . . . . .		Bond with personal security.
Louisiana . . . . .		Two banks in Baton Rouge and New Orleans.	\$10,000 bous.	None . . . . .
Maine . . . . .	\$150,000 to \$400,000.	Banks in the State and Boston, Mass.	2 per cent from Boston banks. Nothing from banks in State.	No special security.
Maryland . . . . .	\$400,000.	Three national banks.	2 per cent.	\$500,000 bonds .

## APPENDIX.

Depositories. How Chosen.	Losses.	When Surplus is Largest.	To Whom Interest Accrues.	Difficulties ex- perienced by Banks in Meeting the Treasurer's Drafts.
By Treasurer .	None . . . .	. . . . .	. . . . .	None.
Fixed by law .	. . . . .	After tax collec- tions.		
By Treasurer .	None . . . .	After tax collec- tions.		
By Treasurer .	None . . . .	December . . .	State . . . .	None.
Fixed by law .	None . . . .	. . . . .	. . . . .	None.
Banks offering highest rate of interest.	None . . . .	April . . . . .	State . . . . .	None.
Cities fixed by law. Banks designated by the Governor.	None . . . .	. . . . .	State . . . . .	None.
. . . . .	None.			
Fixed by law .	None.			
By Treasurer .	None . . . .	April, May and October.	. . . . .	None.
Fixed by law .				
By Treasurer .	None . . . .	November 1 to March 1.	State . . . . .	None.
. . . . .	None . . . .	. . . . .	State	
By Treasurer .	None . . . .	January 1 and July 1.	State . . . . .	None.
By Treasurer, approved by Governor.	None . . . .	June 1 . . . . .	State . . . . .	None.

APPENDIX.—*Continued.*

STATE.	Average Balance.	Where Kept.	Rate of Interest.	Security.
Massachusetts .	Varies widely. \$5,000,000 to \$10,000,000.	Banks or Trust Companies.	2 to 2½ per cent.	Deposits not to exceed 40 per cent of capital stock.
Michigan . . .	\$600,000.	Banks . . . . .	3 per cent.	Nominal bond .
Minnesota . . .	\$2,100,000.	Banks . . . . .	3 per cent on daily balances.	Bond equal to 200 per cent of deposits.
Mississippi . . .	\$50,000 to \$400,000.	Treasury vaults . . . . .	. . . . .	. . . . .
Missouri . . . .	\$200,000 to \$2,000,000.	Banks . . . . .	Current rate.	Bond equal to 25 per cent of money deposited, and U. S., Missouri or St. Louis Bonds equal to amount of deposits.
Montana . . . .	\$193,544.	Banks . . . . .	None . . .	Collaterals and bonds.
Nebraska . . . .	\$627,000	Banks . . . . .	3 per cent.	None . . . . .
Nevada . . . . .	\$100,000 to \$750,000.	Treasury vaults . . . . .	. . . . .	. . . . .
New Hampshire	\$300,000 to \$400,000.	Banks . . . . .	2 per cent on deposits in Boston banks.	No special security.
New Jersey . .	Little, except at close of fiscal year.	Banks . . . . .	None . . .	None . . . . .
New Mexico . .	\$175,000.	Banks . . . . .	3 per cent.	Bonds to double amount of deposits.
New York . . .	\$1,548,669.	Banks . . . . .	1½ to 3 per cent.	Bond equal to two or three times amount of deposits.

## APPENDIX.—Continued.

Depositories. How Chosen.	Losses.	When Surplus is Largest.	To Whom Interest Accrues.	Difficulties ex- perienced by Banks in Meeting the Treasurer's Drafts.
Chartered by State.	\$109.75 . . . .	December . . .	State . . . . .	None.
By Treasurer .	None . . . .	June to No- vember.	State. Gen- eral Fund.	Banks are given from 15 to 30 days' notice and are al- ways prepared
. . . . .	None. \$150,000 tied up, but no danger of loss.	. . . . .	State . . . . .	Some money tied up.
Fixed by law .				
Treasurer, ap- proved by Gov- ernor and At- t'y-General.	None . . . .	January 1 to May 1.	State . . . . .	None.
By Treasurer .	None . . . .	After tax pay- ment in December.	. . . . .	A short time in 1893.
By Treasurer .	\$236,000 tied up.	. . . . .	To the sev- eral State funds.	Some by bank failures.
Fixed by law .				
By Treasurer .	None . . . .	October to January.	State . . . . .	None.
By Treasurer .	In 40 years only \$19,204.35.	November 1 . .	. . . . .	None.
Governor, Audi- tor and Treas- urer.	\$31,000 tied up.	February and August, and January and July.	Territory . .	None.
By Treasurer .	None . . . .	. . . . .	State . . . . .	None.

APPENDIX.—*Continued.*

STATE.	Average Balance.	Where Kept.	Rate of Interest.	Security.
North Carolina .	\$100,000 to \$300,000.	Banks . . . . .	3 per cent on time deposits.	Collaterals from State banks.
North Dakota .	\$145,817.	Banks . . . . .	3 per cent.	Option of Treas- urer.
Ohio . . . . .	\$800,000.	Treasury vaults . . . . .		
Oregon . . . . .	\$200,000.	Banks . . . . .	None . . . . .	
Pennsylvania .	\$4,000,000 to \$6,000,000.	Banks . . . . .	None . . . . .	Bonds . . . . .
Rhode Island .	Nothing to \$500,000.	Banks . . . . .	2½ to 3 per cent.	No special se- curity.
South Carolina .	\$100,000.	Banks . . . . .	None . . . . .	None . . . . .
South Dakota .		Banks . . . . .		By Treasurer . .
Tennessee . . .	\$350,000.	Banks . . . . .	None . . . . .	Certified bond deposits lim- ited to 25 per cent of capital.
Texas . . . . .	Nothing to \$750,000.	Treasury vaults . . . . .		
Utah . . . . .	\$50,000 to \$150,000.	Local banks . . . . .	None . . . . .	None . . . . .
Vermont . . . .	\$489,655.	Banks . . . . .		None . . . . .
Virginia . . . .	\$300,000.	Banks . . . . .	Nominal rate on daily balances.	Personal secur- ity.
Washington . .	\$275,590.	Banks . . . . .		Option of Treas- urer.
West Virginia .	\$723,567.	Banks . . . . .	3 per cent.	Deposits not to exceed three- quarters of bond. Bond not less than \$50,000.
Wisconsin . . .	\$600,000 to \$800,000.	Banks . . . . .	2½ per cent. Fixed by board of deposits.	Sufficient bond .
Wyoming . . .	\$150,000.	Banks . . . . .		None . . . . .



APPENDIX.—*Continued.*

Depositories. How Chosen.	Losses.	When Surplus is Largest.	To Whom Interest Accrues.	Difficulties ex- perienced by Banks in Meeting the Treasurer's Drafts.
By Treasurer .	Some loss. Amount not known.	After tax pay- ments.	State . . . . .	None.
By Treasurer .	None . . . . .	January and April, July and October.	General fund.	None.
Fixed by law .				
By Treasurer .	None . . . . .	July, August and September.	. . . . .	None.
By Treasurer .	None . . . . .	July and August	. . . . .	None.
Banks giving highest rate of interest.	None . . . . .	. . . . .	State.	None.
State Financial Board.	None since 1876.	December and March.	. . . . .	None, except in panic of 1893.
. . . . .	None . . . . .			
By Treasurer .	None . . . . .	March, April and May.	. . . . .	None, except for a short time in 1893.
Fixed by law .				
By Treasurer .	None . . . . .	December, Jan- uary, February and March.	. . . . .	None.
By Treasurer .	None.			
. . . . .	None . . . . .	. . . . .	State.	
By Treasurer .	None . . . . .	Laws are silent on question of management of State funds.		
By State Board of Public Works.	\$16,601.07 in the seventies.	. . . . .	State . . . . .	None.
By board of de- posits.	None . . . . .	. . . . .	State . . . . .	None.
. . . . .	None.			

## THE PROBLEM OF SOCIOLOGY.

The overthrow of the individualistic point of view may be considered the most important and fruitful step which historical science and the moral sciences (*Geisteswissenschaften*) generally have made in our time. In place of the individual careers which formerly stood in the foreground of our picture of history, we now regard social forces, national movements, as the real and determining factors, out of which the parts which individuals play cannot be evaluated with complete definiteness. The science of human beings has become the science of human society. No object of discussion in the moral sciences can avoid this tendency. Even where movements culminate in the individual, as in the realm of art, we seek the causes in the evolution of the race, from which we have arrived at a perception of the beautiful, and in the particular social condition of the time, which made possible just this or that form of artistic product. In the realm of religion, as in that of economic life; in the realm of morals, as well as in technical progress; in politics, as well as in those things which treat of the health and disease of body and soul, it is equally true that we find a tendency to refer each single fact back to the historical condition, the needs and efforts of the entire society concerned.

Notwithstanding the fact that this tendency in thought is so generally and manifestly present, it can furnish at best only a regulative principle for the moral sciences, and can on that account never constitute an independent science with a place of its own in the group of moral sciences. If sociology really comprehends, as has been supposed, the sum of social facts and the reduction of single events to a

social basis, it is nothing more than a group-name for the totality of the moral sciences as treated in modern times. In this way those empty generalities and abstractions which brought about the ruin of philosophy have found place even in sociology. Like philosophy, it will attempt to force into a purely imaginary or external unity those things which do not belong together, and create a scientific world-empire which must break asunder just as surely as political world-empires have been severed into separate kingdoms. Sociology, as history of society, and of all that it contains, that is in the sense of an explanation of all events in terms of social forces and configurations, is no more an independent science than induction for example. Sociology like induction—only not in so formal a sense—is a method of investigation (*Erkenntnissthematik*), a directive principle which can be made fruitful in an endless number of the most different fields of science, without itself being a science.

If sociology then, in place of a mere tendency in method, which has been falsely denoted the science of sociology, is to be a true science, the entire province of social science in its broadest sense must be divided for purposes of investigation, and a sociology, in the narrower sense, be separated out. Psychology furnishes a good basis of comparison for the real way in which this differentiation must take place. The attempt has been made to solve the problems of all sciences in psychology; since only within the realm of consciousness were to be found the objects of perception, it was argued that these latter can only be explained through psychological forces and according to the psychological laws which produced them. In spite of this position, however, psychology is generally differentiated as a science of the functions of the mind, as such, and rightly separated from the special sciences which from particular points of view investigate the particular contents of perceptive knowledge. Psychology deals with the abstraction,—comprehensive or limited to particular departments—of “functions,”

"powers," "norms," or, however it may be designated, with that which bears the same relation to the concrete activities of the mind that law, type, general, bear to particular, or that the form bears to the formed content. Everything that happens is an event in the mind, it is also, from another point of view, an event in society; but just as psychology does not deal with everything conditioned by consciousness, so sociology does not necessarily include everything that belongs in society or that is conditioned by its existence. Psychology, as a science, springs rather from the differentiation of the specifically psychical from its objective material basis, and, sociology likewise, should treat of the specifically social, the process and forms of socialization, as such, in contrast to the interests and contents which find expression in socialization (*Vergesellschaftung*). These interests and aims form the subject-matter of special—technical or historical—sciences; through the circle of these sciences, sociology traces a new one, which includes and marks off on each the peculiar social powers and elements, the forms of association, as such. ft

Society, in its broadest sense, is found wherever several individuals enter into reciprocal relations. From a purely ephemeral association for the purpose of a casual promenade, to the complete unity of a family, or a guild of the Middle Ages, one must recognize socialization of the most varying kind and degree. The particular causes and aims, without which socialization never takes place, comprise, to a certain extent, the body, the *material* of the social process. That the result of these causes, and the pursuance of these aims call forth, among the persons concerned, a reciprocal relationship, or a socialization, this is the *form*, in which the content of social organization clothes itself. The entire existence of a special science of society rests upon the isolation of this form by means of scientific abstraction. For it is evident that the same form and the same kind of socialization, can arise in connection with the most varied elements

and take place for the most diverse ends. Socialization, in general, takes place, as well in a religious congregation as in a band of conspirators, in a trust as well as in a school of art, in a public gathering as well as in a family; and we find also certain formal similarities in the special characteristics and development of all such unions. We find, for example, the same forms of authority and subordination, of competition, imitation, opposition, division of labor, in social groups which are the most different possible in their aims and their moral character. We find the formation of a hierarchy, the embodiment of the group-forming principle in symbols, the division in parties, all stages of freedom or restriction of the individual in relation to the group, interaction and stratification of groups themselves, and definite forms of reaction against external influences. This similarity of form and its development, in the case of groups often with the most complete heterogeneity of material conditions reveals forces lying back of these immediate conditions, and suggests the possibility of constituting by abstraction a legitimate realm of investigation, namely, that of socialization as such and the study of its forms. These forms are evolved through contact of individuals, but relatively independent of the basis of such contact, and their sum make up that concrete thing which we designate by the abstraction—society.\*

\* A common inexactness is that which classifies every ethnological investigation and research in primitive conditions within the province of sociology. We forget in so doing that acts and conditions often appear to belong to society only because our knowledge of them is too inexact to determine the purely individualistic events, which are the real ones. From a great distance, a whole series of personalities and individual acts intermingle, and form for the mental eye a concrete mass, Society—just as one from a great distance does not see the single trees of a forest, but sees only the forest. It is true that ethnology and researches in primitive conditions are of the highest value for the real science of society, that is, for the knowledge of the developed powers, results and conditions which have come through socialization. But, to include such general outlines under the concept of sociology, is to make a faulty distinction between that "society" which is only a collective name arising from our inability to treat singly the separate phenomena, and that society which determines such phenomena through specific social forces. We often designate purely parallel phenomena, in a mass, as social, and confuse statistical similarities and synchronisms

It is true that content and social form are in reality mixed in each particular historical event; there is no social constitution or development which is merely social and not, at the same time, a constitution or development of a content. This content may be of an objective kind, the production of a work, the progress of the mechanical arts, the domination of an idea, the success or failure of a political combination, the development of language, of customs, etc., or, it may be of a subjective nature, and concern the innumerable sides of personality which through socialization find stimulus, satisfaction and development, now towards a refinement, now towards a deterioration of morals. This immediate unification of content and form which we find in historical reality does not prevent their separation for scientific purposes; geometry, for instance, deals with the mere space-forms of bodies which do not exist as forms, but only in connection with matter, the investigation of which belongs to other sciences.

The historian also, in the narrower sense, treats of nothing but an abstraction from the world of real events. Out of the infinitude of real words and deeds and the sum of all the single subjective and objective events he tries to trace the development as far as it may be brought under certain fixed concepts. Not everything that Frederick II. or Maria Theresa did from morning until night, nor even the accidental words in which they clothed their political decisions, are related in history, and much less the innumerable psychical events which in reality were indissolubly linked with these decisions, but occurred without relation to their content. It is rather the concept of the politically important which is brought to bear on the real events, and only that is sought out and enumerated which has to do with this concept, but which may, in this very continuity and coherence, of a purely individual nature, with those which can be referred back to the real principle of society, the reciprocity of cause. So we do not make the required distinction between that which takes place merely within society, as within a frame, and that which comes to pass through society. ✓

never have occurred. Thus, economic history isolates all that which belongs to the bodily needs of men, and the means to their satisfaction, from the totality of events—although at the same time, there is, perhaps, none among these which does not stand in some direct relation to these needs. Sociology, as a special science, must proceed in the same way. It must separate out as an object of special investigation the purely social elements from the totality of human history, or, to express the same thought with paradoxical brevity, it discusses that which in society is “Society.”\*

The methods, by which the problems of socialization are to be investigated, are the same as in all comparative psychological sciences. Certain psychological premises lie at the

\* If, as I believe, the investigation of the forces, forms and development of socialization, of co-operation, of association of individuals, should be the single object of sociology as a special science, we must include a study of the peculiar characteristics of the forms which socializations take on under the influence of particular environments in which they are realized. If, for example, we investigate the formation of aristocracies, we must not only examine the process of separation of the originally homogeneous masses, and the bond of association of the leaders in a class unity, and the degree of repulsion which such unions manifest toward ruling sovereigns as well as toward the masses, but in addition to these elements, we must take into consideration the material interests which generally call forth such organization, and also the modifications which different stages of production and variations in the dominating ideas of the time bring about. Many characteristics too within the field of social phenomena, which in themselves seem to be essentially individual become thoroughly social as soon as our conception of social forms is broad enough; for example, secret societies constitute a peculiar sociological problem. What effect has secrecy upon association, and what special forms does it take when this condition is attached? Why do associations most dissimilar when not secret show a tendency to follow a certain similar line of development as soon as they become secret? While here the socialization appears to be determined by an extra-social principle, we find on closer observation that secrecy belongs, in its real essence, among the forms of social life. It arises exclusively where a union of individuals is found, and is a certain form of their reciprocal relationship, which is in no sense of a merely negative nature, but rather an entirely positive and reciprocal bond. Again association and combination, in the narrower sense, are not the only forms of relationship among men which belong in sociology as a science; also, associations in the broader sense of opposition, competition, are the basis of relationships which show reciprocal action among individuals prompted, perhaps, by the most different kinds of causes, but finding expression in similar forms and in a similar development. They point to forces which are developed by the competitive contact of men with each other, and the kinds and sources of which must be studied by themselves in order to know how the most extraordinary diversity of motives and objects in single cases nevertheless causes a similarity in the form of association.

bottom without which no science of history can exist at all. The phenomena of seeking and giving help, of love and hate, of avarice and of pleasure in social intercourse, self-preservation through competition on the one hand and on the other through combination, and a host of other primary psychical facts must be assumed, in order that we may at all understand the processes of socialization, formation of groups, relationships that individuals sustain to group units, etc. Just as a clear and connected economic history, together with those inductions which one may regard as approximate economic principles, is written only by culling from the sum of historical circumstances those which spring from certain physical, and yet no less psychical, needs or wants, so there is a science of society because certain specific formations within that historical complex may be referred to psychical states and actions which proceed only from social contact, from the interaction of groups and individuals one upon another.

The investigation may take two courses. It follows first the longitudinal direction of a particular evolution. Thus, for example, the history of the Germanic tribe, or of the parties in England, or of the forms of the Roman family, or of a trade-union, or of the constitution of a church, is in so far sociological as social forms,—authority and subordination, the formation of an objective union as over against the mere sum of individuals, the growth of subdivisions, the modification of the social form through the quantitative changes in the group,—appear in the complex of phenomena. There is, in the second place, a cross-sectional view of such evolutions, which paralyzes the material differences of the individuals and lays bare by induction that which is common to them all, the social forms, as such. These may be those general relations and changes which are called forth by the constant individual similarities and differences in the persons comprising every form of union; or those special forms of association which are found in the socializations of a definite



territory or object—economic, religious, domestic, social, political—or of a particular period.

This special task of sociology must be separated strictly from the philosophy of history. The philosophy of history seeks to bring historical facts, external as well as psychical, in their entirety, under general concepts, by virtue of which history may satisfy certain demands, ethical, metaphysical, religious and artistic. In complete opposition to this, sociology as a special science, the eventual scope of which I have attempted here to determine, restricts itself entirely to the realm of phenomena and their immediate psychological explanation. In only one direction do I wish to add a speculative thought to the entire problem of sociology. There is to-day scarcely a doubt that laws of history are not to be found. For history is, on the one hand, so extremely complex, and on the other it deals with so uncertain and arbitrary a section of the totality of cosmical events, that there cannot possibly be a unified formula for its development as a whole.\* If we do not wish to give up the hope that we may comprehend history as a development, subject to law, the way to such an understanding must lie through the analysis of history into divisions as simple and homogeneous as possible. Just as the history of one country cannot be understood directly as an undivided whole, but rather through the separate consideration of its agricultural conditions, of its social and national politics, of its intellectual culture, of its industry and system of education, etc., so history in general is a series of special sciences whose objects, it is true, do not appear separately, and only in combination make possible the combined idea of history; but they allow of an approach to law only in that simplified form. The proposition which I make here, respecting the scope of sociology, in order to protect it from ending in a mere method for other sciences, or in a merely

\* For further proof of this, see my "*Probleme der Geschichtsphilosophie*," Cap. ii.

new word for the complex of historical science—may, perhaps, be found to be a further contribution in the analysis of the aggregate of historical facts, in so far as it separates out the function of socialization in its innumerable forms and developments as a special field. This special field, through its qualitative simplicity, makes less chimerical the discovery of specific laws than the complex historical order did so long as it did not differentiate its special elements, forms and contents. It is further a special field in which—it matters not whether we give it the title of a special science, or the more important one of a collection of tasks (*Aufgabensammlung*)—we may arrest the error of the current conceptions of sociology, and in which can be grounded a good claim to a territory with indisputable boundaries, after all high-flown claims have been abandoned.

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SUPPLEMENTARY NOTE.

Since the first publication\* of the preceding paper, the objection has been made that I unnecessarily limited the scope of Sociology. In the first place I did not consider it important to set up a new definition of Sociology, but rather to direct attention to a number of problems closely related to each other, but which in this particular relation and in this unity had not yet been considered together. Just what name to give this group is quite unimportant since the real question is to state problems and to solve them and not at all to discuss the names which we should give to particular groups of them. I have chosen for those problems that I have described above the name Sociology because it seemed to me as if the things which are commonly treated under this title are already handled by other sciences. Political

\* In Schmoller's *Jahrbuch für Gesetzgebung, Verwaltung und Volkswirtschaft im Deutschen Reiche*. 1894.

Economy, Constitutional History, Ethnology, Statistics, History of Civilization and a number of other sciences have already divided up the entire realm of social facts. Each of these occupies itself with events and laws which manifest themselves within society. The discovery of new material facts cannot generally be held to be incumbent on Sociology as a new science, but rather the working over of the ascertained facts and their presentation through abstraction and combination, from a new point of view, the essence of which seemed to me to consist in the separation of content and form of social events. All the aforesaid sciences treat of social events in so far as they divide them to suit their subject-matter into the economic, legal, political events, which make up the fixed divisions of social life dealt with in these sciences. On the other hand, there is no science which treats of the social life merely as such and without reference to particular aims and purposes. Political Economy for example, as also Political History, and the History of Religion as well as that of Art, has much to do with the formation of parties; along each of these lines of human interest, parties arise which the particular science in each case discusses. Yet we have no science which discusses the formation, rules and development of parties in general. The historical sciences investigate the most diverse cases of competition, but that which under the utmost diversity of material aim is common to all these cases,—the formation and importance of competition, treated purely as a reciprocal action among men—that has not yet been made a subject of investigation. And so it is with all those inter-subjective relations which bring it to pass that individuals become societies. The social forms in which men unite have not yet become an object of a special science, but are always treated in connection with the material subject-matter in which they are found and by the sciences covering this subject-matter. On this account it seemed to me that the name Sociology was suited to that science which should treat these

forms by means of inductive abstraction from the collective phenomena,—which always consist of a single content in a given form. It is the only science which really seeks to know only society, *sensu strictissimo*.

The scope of this science is moreover in no sense so narrow, as it appeared to a number of my critics. For not only does it embrace the most general forms of socialization, but also those which take place only in a limited number of combinations or determine only special phases of such. The importance, for example, of a common meal-time for the cohesion of individuals is a real sociological theme, likewise the differences in socializations which are connected with variations in the number of associates; the importance of the “non-partisan” in the conflict of members (*Genossen*); the “poor” as organic members of societies; the representation of bodies through individuals; the *primus inter pares* and the *tertius gaudens*. The different aspects of associations are to be determined according as they consist of locally connected or disconnected elements; and according as they are kept together through positive or merely defensive aims; according as they consist of the sum of all partakers or of some objective unity, above their single elements as such, formed by them; according as they are secret or public; and innumerable other problems of social formation can be solved only through inductive abstraction of forms from real cases in which they appear in a definite, historical subject-matter. Only after these particular formations are investigated in all their manifoldness from their primitive shape up to their most complicated development can we gradually solve the riddle, “What is Society?” For certainly it is not a unified being which lends itself readily to apt definition, but rather consists of the sum of all those modes and forces of association which unite its elements. Society is on the one side an entirely abstract general concept which has as little reality as general concepts usually have, the reality from which it is abstracted being ✓

the particular socializations; on the other hand it is a summing-up concept (*Summirungsbegriff*) made up of these single threads of association between individuals. I admit without hesitation that a great number of other groups of problems must be designated as social sciences, because the subject-matter which they treat appears only within society and can be understood only as social. But I can recognize as Sociology in the more exact sense, only that science which investigates the different kinds of combination of men as such.

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## RAILWAY DEPARTMENTS FOR THE RELIEF AND INSURANCE OF EMPLOYEES.

Employees' relief departments have been established in connection with five large railway systems of the United States. These organizations have been instituted for the purpose of furnishing railway employes with relief in case of accident or sickness, with a superannuation allowance for protection against want in old age, and with an insurance fund for the benefit of dependent beneficiaries.

The relief department is one of the many agencies that have been called into being to assist in the solution of the labor problem. The permanent betterment of the laboring classes is a many-sided and complex problem, involving nothing less than their industrial independence. This is something that can be attained only as the result of the inculcation of such ideals in individual life and the establishment of such social forces as preclude the possibility of the degradation of any considerable class of men to a condition of dependency. Associations of railway employes for purposes of relief and insurance represent one of the many ways in which these social classes are striving by individual and united effort to improve their material condition. The savings which wage-earners have made by means of these and the numerous other organizations in which they have invested are large and increasing. This is the brightest side of the labor movement, and has frequently been investigated by students of social progress.

This paper is concerned with only one class of laborers, railway employes, and with but one of the several kinds of provident associations in which they have membership. Railway corporations have established their relief departments to assist and supplement the provident efforts of their employes. Railway companies have doubtless been influenced by certain other motives to which reference will be made directly; nevertheless the railway relief departments are organizations representing an attempt on the part of the

employers and the employed to co-operate, for the benefit of each party, in the work of providing the employees with a good system of relief, superannuation and life insurance.

Railway employees are a class of men whose industrial importance is known of all. There are in the United States nearly a million such laborers and upon them three millions or more other persons are dependent for a livelihood. They are our largest single class of workingmen, they do a service upon whose efficient performance social welfare and progress are vitally dependent; hence, whatever makes for the prosperity, contentment, and productive capabilities of these men is closely connected with the well-being of society as a whole. As the Interstate Commerce Commission says, "The prosperity of railway corporations and the safety and usefulness of the service performed by them is largely connected with the condition of their employees, and it is therefore not only natural that public interest in such condition should be largely enlisted on humanitarian grounds, but that it should also receive the attention of public authorities because of its being a matter of public concern."\* The public has ample reason for desiring to see railway employees able to avail themselves generally of adequate measures of relief and insurance.

*Motives Which Prompted the Establishment of Relief Departments.*

In promoting the relief and insurance of railway laborers the two parties most directly interested, the employees and the companies, were impelled by dissimilar motives. The employee is engaged in an especially dangerous occupation † that makes him desire the assurance of material assistance

\* Third Annual Report, p. 102.

† Mr. J. A. Anderson, Superintendent of the Relief Department of the Pennsylvania Railroad, does not agree with the opinion usually held regarding the dangerous character of railway service. He says: "I do not think this is sufficiently proved to warrant so frequent assertion as it gets. If the percentage of accidents occurring among other classes of men in mechanical work were ascertained it might change the aspect of things. The fact that the railway man and his work and what happens to him are so prominently before the public, may have something to do with the popular estimate of his occupation."

for himself or his family in time of need. Moreover, "railroad men are proverbially improvident as a class," and find it difficult to lay by any considerable portion of their wages except by submitting themselves to some such semi-compulsory arrangement as regularly recurring assessments impose. Railway employes are a well-paid class of laborers, but their savings are comparatively small. The itinerant life which a large part of them leads militates against economical living. The wages many of them receive are a variable quantity, being large when the business of the railroads is active and much reduced, or temporarily cut off, during the seasons of inactivity. Outside of the administrative branches of the railway service the conditions of employment are not conducive to personal economy. The reasons, therefore, in favor of insurance are cogent as viewed from the standpoint of the employes.

The motives which prompt a railway company to wish its employes insured are partly philanthropic. Without denying that railway corporations are organized and managed for the profits they yield their owners and officers, it may still be held true that the men who control these corporations are not without a touch of that spirit of altruism so characteristic of the age in which we live. The managers and directors of the corporations, it is true, have been so slow about introducing devices to lessen the dangers besetting the pathway of their employes, that the public has had to compel them to act more rapidly by means of forceful legislation; nevertheless some railway corporations have anticipated legislation with provisions for the safety of their workmen, and, without the pressure of law, have voluntarily established institutions to promote the material and ethical well-being of their employes. To ascribe these actions of railway managers and shareholders entirely to selfishness would be to treat these men unfairly.

It is not, however, to be denied that the chief impelling force that has inclined the railway managements to favor the



establishment of relief departments designed to promote the welfare of railway operatives has been the conviction that the money thus expended by the corporation would prove a good financial investment. The directors of some railway corporations have convinced the shareholders that it does not pay, even when the matter is viewed from a strictly business standpoint, to connect the laborers to their employing company merely by the payment of current wages. It has been shown to be for the greater good of the company to identify its own and its employees' interests to the fullest extent possible, in order thereby to cultivate a spirit of loyalty strong enough not only to prevent strikes, but also to prompt men to give the highest grade of service of which they are capable.

It is claimed, though the claim is founded upon error, that railway corporations may derive material benefit from the establishment of a relief department, because they thereby free themselves of part of their legal liabilities.\* The regulations of all relief departments require the members upon joining to agree that the acceptance of benefits from the relief fund for injury or death shall operate as a release of all claims for damages against the employing company, arising from such injury or death, which could be made by or through the person accepting the benefits. The railroads have always insisted upon this exemption from legal liabilities, because the companies defray the department's operating expenses, contribute to its funds, and guarantee the payment of benefits promised. The justice of the companies' contention will be considered later.

*The Different Organizations in Which Railway Employees  
Can Obtain Relief or Insurance.*

There are three systems of insurance of which railway employees can avail themselves. (1) They may obtain membership in accident or life insurance companies. These are

\* See p. 99 for a discussion of this question.

companies independent of railway corporations or employes' associations, and are organized either on the mutual plan or as stock companies. (2) Railway laborers may secure relief and insurance by means of membership in some one of the many associations or brotherhoods open to the different classes of railroad workmen. (3) They may join a relief department established and partly maintained by their employing railway corporation and administered jointly by the members of the department and the company, provided, of course, the laborer is in the employ of a company having a relief department.

Besides these three general methods of obtaining relief, mention is also to be made of the less adequate arrangements whereby companies frequently unite with their employes in affording assistance of a more temporary character. Several roads maintain hospitals for the benefit of their employes. Some of these roads require the operatives to assist in supporting such institutions, others do not. Many companies provide their force with free surgical attendance, and others contribute something to the associations formed by the employes to furnish relief, and it is customary for railway managers, when possible, to provide partially disabled men, or those grown old in service, with a kind of employment in which they are capable of serving. Contributions to relieve the needy are frequently subscribed to by individuals and corporations. Most companies, however, do not systematically assist their servants in providing themselves with insurance and relief.\*

At present the method of obtaining relief and insurance by means of employes' associations having no connection with the company is the one most in vogue among railroad men. These associations are of two kinds. In some cases the employes of a single road organize and establish a relief

\* In 1889, the Interstate Commerce Commission investigated the relations of railway corporations and their employes. Consult the Third Annual Report of the Commission, pp. 102-104 and 341-390, for a full statement of the relief and insurance work then being done by the employes and by the railway companies.

and insurance organization, but more frequently the assistance desired is secured by membership in the larger associations such as the International Brotherhood of Locomotive Engineers,\* the Order of Railway Conductors of America, and other similar organizations. It would be out of place in this paper on relief departments to enter into the history of the development of this form of mutual relief and insurance work. It has grown with the progress of the organization of railway laborers. The insurance work of these associations constitutes an important and beneficial feature of their activity. The results accomplished in the alleviation of suffering are well known. It is, however, only the third system of railway employes' relief and insurance, the railway relief departments, their history, plan of organization, results accomplished, their weak points, and elements of strength that this paper can undertake to discuss.

*The History of Relief Departments.*

The first railroad company in the United States to establish an organization for the administration of an employes' relief fund was the Baltimore and Ohio, whose organized relief work dates from May 1, 1880. The man to whose instrumentality the establishment of the association was chiefly due was Dr. W. T. Barnard, of Baltimore, a man actuated by a strong desire to bring about a better relationship between the railway companies and their employes.† May 3, 1882, the Baltimore and Ohio Company's organization was incorporated by the State of Maryland under the name of "The Baltimore and Ohio Employes' Relief Association."

\* The Report of the International Brotherhood of Locomotive Engineers for 1892-93 shows the membership of that society to have been 34,000 at that time, the number of divisions in the Brotherhood being 527. The Brotherhood of Railroad Trainmen, July 1, 1895, had 556 subordinate lodges, with a combined membership of over 24,000. July 1, 1895, the Order of Railway Conductors had 370 subordinate divisions, with a membership of 20,500.

† Consult Dr. Barnard's pamphlet on "The Relation of Railway Managers and Employes."

The idea of a relief association antedated 1880. According to Mr. J. A. Anderson, Superintendent of the Pennsylvania Railroad Relief Department, the employes of that road had as early as 1876 expressed a desire that the company should provide some plan of this kind.\* Thereafter the matter was taken up from time to time by that company, although without success until 1886. In England, indeed, the railroad companies had been organizing relief associations since 1850. In Canada, the Grand Trunk Railway organized an employes' Accident Insurance Association in 1873, and the plan adopted by the Baltimore and Ohio Railroad was worked out by Dr. Barnard after he had made a thorough examination of benevolent railway organizations in Continental Europe, Great Britain and Canada.†

Foreign railway companies, the Canadian included, make membership in their relief associations compulsory upon their employes. The Baltimore and Ohio adopted that feature of the plan. This gave rise to much hostile criticism. The opposition thus aroused doubtless proved fortunate for the new association by calling more general attention to the plan. As Dr. Barnard says, "It forced those to examine its provisions who would otherwise have passed them by with indifference."

In 1888, the State of Maryland withdrew the charter of

\* See "Remarks on the Relief Plan of the Pennsylvania Railroad," 1887.

† For a brief account of the relief associations of the London and Northwestern Railway, consult "The Working and Management of an English Railway," by Findlay, pp. 28-37. This road established a "Superannuation Fund Association," in 1853, for the benefit of salaried officers and clerks; an "Insurance Society," 1871, to provide members of the wages staff (excepting those in the running department) with relief in case of accident and with life insurance; a "Provident Society," 1874, for giving assistance to the wages staff, with the above exception, in ordinary sickness; and the "Pension Fund," also for the wages staff. The men in the running department have two separate organizations. In all cases the company and employes contribute equal sums. The Provident Society and the Pension Fund were consolidated in 1890.

For a general discussion of the superannuation of railway employes, consult an address on that subject in the volume containing the "Addresses Delivered Before the World's Railway Commerce Congress, Chicago, June 19-23, 1893." The address was made by L. J. Sargeant, General Manager of the Grand Trunk Railway of Canada, and President of the Chicago and Grand Trunk Railway.

the Baltimore and Ohio Employees' Relief Association; but the railroad company at once organized a relief department which on March 15, 1889, accepted the assets of the "association," assumed its liabilities and agreed to pay the benefits that had been promised by the association, whether the persons having claims upon such benefits should or should not join the relief department. However, most of the members of the relief association, 19,467 out of 20,626, at once voluntarily entered the new department. Membership in the relief department was compulsory; *i. e.*, all persons entering the permanent service of the company subsequent to the establishment of the department have been required to join the department as a condition of employment.

At the beginning of 1886, the Pennsylvania Railroad Company organized a relief department, membership in which was made voluntary on the part of the employees. The man who did most to bring about the establishment of this department was Mr. J. A. Anderson, of Trenton, N. J., the department's present superintendent. He drew up the plan which the company adopted; he has stoutly defended it against its opponents, and has efficiently managed its affairs from the beginning.

It is to be noted that the organization established by the Baltimore and Ohio was operated as an association of the employes and not as a regular department of the company's service. Mr. Anderson saw the weakness of the association plan and advised the department arrangement. The establishment of a relief department by the Pennsylvania Railroad was a new departure. When the Baltimore and Ohio relief department took the place of the association, the plans worked out by Mr. Anderson were largely followed in the organization of the "relief feature" of the department.

There are a good many individual roads included in the five large systems having relief departments. All the lines of the Baltimore and Ohio system are associated in its relief

organization. The Pennsylvania's department includes five companies, the Pennsylvania Railroad (lines east of Pittsburgh and Erie), the Northern Central, the West Jersey, the Philadelphia, Wilmington and Baltimore, and the Camden and Atlantic. The three other railway systems having relief departments are the Reading; the Chicago, Burlington and Quincy, and the Pennsylvania lines west of Pittsburgh and Erie.

The Chicago, Burlington and Quincy organized its department March 15, 1889. In 1889, Mr. E. P. Ripley, who was at that time general manager of the Chicago, Burlington and Quincy, reported to the Interstate Commerce Commission that "the object of the company in establishing a relief department was to enable its employes to make provision for themselves and families at the least possible cost to them in the event of sickness, accident or death. The company has established this department not only because it has the interest of its employes at heart, but because it believes that the department will serve to retain and attract a good class of employes, lessen the amount of discontent caused by improvidence, diminish the amount of litigation in cases of accident, and increase the good will of the employes toward the company and their confidence in the good-will of the company towards them."\*

It adopted Mr. Anderson's plan with important modifications to be noted later. The employes of the following Burlington roads are associated in the department established by that system: the Chicago, Burlington and Quincy (including the Burlington and Missouri); the Hannibal and St. Joseph; the Kansas City, St. Joseph and Council Bluffs; the St. Louis, Keokuk and Northwestern; the Chicago, Burlington and Kansas City, and the Chicago, Burlington and Northern.

Membership in the Philadelphia and Reading Relief Association embraces all classes of permanent employes in all

\*Third Annual Report of the Interstate Commerce Commission, p. 349.

departments of the service of the company, including its affiliated, controlled, and leased lines. The Reading, like the Baltimore and Ohio, makes membership compulsory upon employes; joining the association being one of the conditions of permanent employment. The association was established October 30, 1888, in Reading, Pa., at a meeting of the representatives of the employes of the various divisions and departments of the company's service.

The Pennsylvania lines west of Pittsburgh and Erie established a voluntary relief department April 16, 1889, the associated roads being the Pittsburgh, Cincinnati, Chicago and St. Louis,\* and the Pennsylvania Company. The department was modeled after that of the Pennsylvania Railroad Company.

These five railway systems are the only ones in the United States having relief departments of the kind under discussion in this paper. Other railroads, notably the Northern Pacific and the Lehigh Valley, maintain relief funds somewhat similar in nature to those managed by these relief departments. The Grand Trunk Railway of Canada organized an Insurance and Provident Society in 1873, and since 1874 has assisted its employes in maintaining and administering a superannuation fund. Reference will be made further on to the relief work of these three systems, but it will be best to defer this until an outline has been given of the organization and operation of relief departments proper.†

\* The Pittsburgh, Cincinnati, Chicago and St. Louis Railway Company was formed October 1, 1890, by the consolidation of two roads, The Pittsburgh, Cincinnati, and St. Louis and The Chicago, St. Louis and Pittsburgh.

† On page 84 an outline of the Grand Trunk Railway Superannuation Fund is given. The Grand Trunk also has an "Insurance and Provident Society," which its permanent employes are obliged to join. This organization, which had 12,629 members December 31, 1894, affords accident and sickness relief and life insurance, according to methods somewhat different from those employed by the relief departments of the railroads of the United States. It has been thought best to confine this paper to a discussion of the relief departments of the railroads of the United States, and to a comparison of methods employed by them and results which they have attained.

*The Plan of Organization.*

The relief departments established by the Baltimore and Ohio and the Pennsylvania Railroad Company have served as models for the relief organizations subsequently established by other American companies. An outline of the plans of these two departments will cover the essential features of those connected with the three other railway systems under consideration. Reference will be made to the chief features in which the plans of the other companies differ from the plans of these two departments.

In general, a voluntary relief department is an organization, managed conjointly by representatives of one or more railway companies and the employes, and established for the purpose of enabling such of the employes as may choose to do so to contribute certain sums from their monthly wages toward a fund administered by the organization for the mutual benefit of its members. The benefits derived from membership in a relief association are proportioned to amounts paid in. Members receive aid in case of sickness or accident, and, at their death, their families or other beneficiaries are paid definite amounts. The plan of the Baltimore and Ohio's relief department is more comprehensive than those of the four other railroad systems. It organizes the work into three parts, called the "relief feature," "savings feature," and "pension feature." The "relief feature" covers the work done by the relief departments of the other railway systems.

Described more in detail the plan of the Pennsylvania Railroad Voluntary Relief Department is as follows: Any employe not over forty-five years of age may become a member upon passing a satisfactory physical examination. The department derives its funds mainly from the contributions of its members, the expenses of management and administration being borne by the railway companies. The associated companies contribute in four ways: (1) They establish and maintain the relief department as a part of



their service. (2) The companies' entire organization co-operates with the department to assist it in conducting its business. (3) The companies accept and administer the funds of the relief department as trustees and pay interest on the money held in trust. (4) The companies guarantee the payment of all benefits promised and agree to make good any deficiency that may exist in the fund at the end of each period of three years.\*

The monthly contributions of the employes range from seventy-five cents to six dollars and seventy-five cents, according to the wages class to which the contributor belongs, and the amount of the death benefit to which he is entitled. The members are divided, according to wages received, into five classes, but any member not over forty-five (or, in case of an employe of the Baltimore and Ohio, not over fifty) years of age, who has been continuously in the company's service for five years, may, upon passing a

CLASSIFICATION AND CONTRIBUTIONS OF MEMBERS OF THE PENNSYLVANIA RAILROAD VOLUNTARY RELIEF DEPARTMENT.

CLASS.	Wages per month.†	Payments per month.
First . . . .	Not more than \$40.00 . . . . .	\$ .75
Second . . . .	Between \$40.00 and \$60.00 . . . .	1.50
Third . . . .	Between \$60.00 and \$80.00 . . . .	2.25
Fourth . . . .	Between \$80.00 and \$100.00 . . . .	3.00
Fifth . . . .	More than \$100.00 . . . . .	3.75

\* The Philadelphia and Reading does not guarantee the payment of benefits and deficiencies. It, however, contributed to the extent of ten per cent of the payments of the members of the relief association until the members and company had together paid in \$1,000,000. Since then the company has regularly contributed five per cent, as much as the members. The Baltimore and Ohio gives six thousand dollars a year for the support of the "relief feature," and two thousand five hundred dollars annually to cover the expense of the physical examination of employes. The relief department of this company also has a "pension feature," for the support of which the company annually appropriates twenty-five thousand dollars. If the "relief feature" does not need any or all of the six thousand dollars apportioned to it, the part not needed is turned over to the "pension feature."

† The Burlington's first class consists of those receiving not more than thirty-five dollars a month. A difference of twenty dollars a month in wages is made the basis of classification,—the points of division therefore occur at \$35.00, \$55.00,

satisfactory physical examination, enter a higher class than that to which his wages entitle him. The above table shows the classes into which the members of the Pennsylvania Railroad's relief department are separated and gives the contributions made by the several classes.

Members contributing to the relief fund are entitled to free surgical attendance (or in the case of the Baltimore and Ohio free hospital service) during a disability due to an accident received in the service of the company, and to benefits in case of accident, sickness, or death.\* Members are not obliged to make contributions during the continuance of a disability entitling them to benefits. If the incapacity, due to sickness, lasts more than fifty-two weeks contributions for the death benefits must be renewed. The following tables indicate the benefits which may be claimed by each class of members of the relief departments of the Baltimore and Ohio and the Pennsylvania Railroad Company. The Baltimore and Ohio, it is to be noted, separates its members first

CLASSES, CONTRIBUTIONS AND BENEFITS. BALTIMORE AND OHIO  
RELIEF DEPARTMENT.

SUB-CLASS.	Monthly Payments.		Disablement benefits, per day, not including Sundays and legal holidays.			Death Benefits.		
	First Class.	Second Class.	For accident while on duty.		For sickness, during first 52 weeks, not including first six working days.	Death from accident	Death from sickness.	
			First 26 weeks.	Thereafter until recovery.			Ordinary.	Maximum.
A .	\$1 00	\$ .75	\$ .50	\$ .25	\$ .50	\$ 500	\$ 250	\$1250
B .	2 00	1 50	1 00	.50	1 00	1000	500	1250
C .	3 00	2 25	1 50	.75	1 50	1500	750	1250
D .	4 00	3 00	2 00	1 00	2 00	2000	1000	1250
E .	5 00	3 75	2 50	1 25	2 50	2500	1250	1250

\$75.00 and \$95.00. The wage classes of the Baltimore and Ohio are, Class A, not over \$35.00 a month; Class B, not over \$50.00; Class C, not over \$75.00; Class D, not over \$100.00, and Class E, over \$100.00 a month.

\* The Burlington department gives free surgical attendance wherever the accident occurs. It is thus more liberal than the others.

BENEFITS PAYABLE TO MEMBERS OF THE PENNSYLVANIA RAILROAD  
VOLUNTARY RELIEF ASSOCIATION.

WAGES CLASS.	Disablement benefits per diem.				Death benefits.	
	For accident while on duty.		For sickness or accident while off duty.		Ordinary.	Maximum.
	First 52 weeks.	Thereafter until recovery.	First 52 weeks, excepting first three days.	Thereafter until recovery.		
First .	\$ 50	\$ 25	\$ 40	\$ 20	\$250	\$500
Second	1 00	50	80	40	500	1000
Third	1 50	75	1 20	60	750	1500
Fourth	2 00	1 00	1 60	80	1000	2000
Fifth .	2 50	1 25	2 00	1 00	1250	2500

Or such aid as the company may decide to give.

into two general classes and then subdivides each of these into five classes. The first general class consists of those operating the trains or the rolling stock, the second general class includes all other employees.

Two things in the foregoing tables require explanation. Both departments afford relief to members who are permanently disabled by accident received in the service of the companies, the benefits being paid by the Pennsylvania Railroad relief department at full rate for fifty-two weeks, and at half rate thereafter. The Burlington Railroad and the Pennsylvania lines west of Pittsburgh and Erie have the same regulation. The Baltimore and Ohio pays the full benefit for twenty-six weeks. None of the departments made provision at the beginning for aiding members whose sickness or accident, received while off duty, incapacitated for work during a longer period than fifty-two weeks. The regulations of the Baltimore and Ohio department provide that if at any time the funds raised for the payment of superannuation annuities should exceed the amount required for that purpose, the excess may be used in aiding those members most deserving and most in need of help. The assistance of members continuing sick for more than a year was contemplated in this regulation, and "quite a

number have been benefited thereby," according to Superintendent Barr, "although at this time the fund applicable for this purpose is not sufficient to provide for this class.\*

The Pennsylvania Railroad Companies saw that the members of their relief department continuing sick for more than fifty-two weeks were undergoing a hardship, and the boards of directors of the associated companies decided October 1, 1887, that the companies themselves would give aid to this class of persons. According to the resolution then adopted each case of sickness is to be investigated by the superintendent of the department, and then reported upon by the general manager of the railroad company to the board of directors of the company employing the person receiving aid. Pending the investigation and the action of the board the sick person receives a daily benefit of one-half the sum granted him during the first fifty-two weeks, after which he obtains "such amount as the company may authorize to be paid, based upon the member's classification in the relief fund, and the length of his faithful service with the company."

Such payments as these on the part of a railway company to those whose disablement from sickness or accident, while not on duty, continues beyond the period during which aid may be obtained from the relief fund are tantamount to pensions paid by the company. By this method these pensions are not granted in definitely predetermined amounts, but are given by special action of a board of directors taken upon the recommendation of an officer who has investigated a particular case, but the grants are none the less of the nature of pensions.†

\* Quoted from a letter written August 21, 1895.

† The companies associated in the Pennsylvania Railroad Voluntary Relief Department paid, during the last fiscal year, \$31,627.60 to relieve employes whose disablement had lasted more than fifty-two weeks. The Pennsylvania lines west of Pittsburgh and Erie follow the same plan. Their last year's payment, under the head of "company relief" was \$4716.90. The Burlington and Reading Companies gave no money aid to such persons, but the Reading Association gave \$6800. The Baltimore and Ohio Railroad has an organized system of pensioning, described on page 85.

The Baltimore and Ohio has a pension feature as a regular part of its relief department, by means of which the superannuated are given aid. Other roads are doing something to provide for their superannuated employes. The subjects of pensions and superannuations are of such importance that the discussion of them will be given under a special heading.

In the above tables two kinds of death benefits are noted, ordinary and maximum. The former are those to which a member is entitled by virtue of having made the ordinary payments of the wages class to which he belongs. Any person may increase his monthly payments and thus secure the right to additional death benefits. For a member of the Pennsylvania Railroad Company's relief department, the extra monthly rates payable in order to secure each additional death benefit of \$250 is thirty cents for members not over forty-five years of age, forty-five cents for those over forty-five, but not more than sixty years of age, and sixty cents for those over sixty years. Additional natural death benefits are obtainable by members of the Baltimore and Ohio department to the amounts indicated in the table. The member taking additional death benefits must be under fifty years and must pass a physical examination. He contributes twenty-five cents a month for each additional \$250 of benefits.

In general, membership in a relief department is lost by any person upon leaving or being dismissed from the employment of the company upon whose relief fund he had claim. The Burlington system and the Baltimore and Ohio allow an employe to keep up the death benefit feature of his membership in the relief department after permanent honorable dismissal from the company's service; the Burlington allows the continuance of the minimum death benefit to which the employe has been entitled during his last year of service, and the Baltimore and Ohio permits the maintenance of the former member's natural death benefit.

To guard against the forfeiture of rights in case of a tem-

porary interruption of work, any member who is furloughed or suspended, but not dismissed, may keep up his membership for several months\* by paying his contributions† in advance for each month, and in other respects complying with the regulations. Any such member loses his standing if he fails to make his contribution for three (*one*, according to the Baltimore and Ohio) successive calendar months. This is a regulation which has given rise to much criticism. It would hardly seem possible for such a rule not to work occasional hardships. Discussion of it, however, is reserved to be given in another connection.

The general supervision of the Pennsylvania Railroad relief department is vested in an advisory committee, consisting of the general manager of the Pennsylvania Railroad Company, *ex officio* member and chairman,‡ and twelve others, six of whom are elected by the contributing employes "from among themselves." The other six are chosen by the boards of directors of the associated companies. The officers of the department are the superintendent and assistant superintendent, appointed by the Board of Directors. The superintendent is secretary of the committee and the real manager of the department. He decides administrative questions and has general charge of all business matters, including the employment of the necessary medical and clerical forces, his actions being subject to the general manager's approval.

\* Nine months in case of the Pennsylvania Railroad Company, six months on the Baltimore and Ohio system, and "for a specified time" on the Burlington lines.

† The Baltimore and Ohio requires the payment of ordinary death benefits only.

‡ There are two advisory committees for the Baltimore and Ohio Railroad, one for the lines east of the Ohio River and one for the lines west. These bodies report to a general "committee on relief department" of four members, one of whom is the president of the company. The Pennsylvania system has two relief departments, one for lines east and one for lines west of Pittsburgh and Erie; but these are independent of each other, having no common committee over them. The chairman of the Reading's advisory committee is the first vice-president of the company. In all cases except the Reading the members of the advisory committee other than the chairman, consist of an equal number of representatives from the employes and from the companies. The Reading employes choose eight out of the fourteen elected members.

Although this paper is restricted to a discussion of the relief work of railway companies of the United States having regularly organized "relief departments," reference ought to be made to the Relief Fund of the Lehigh Valley Railroad Company and Associated Companies. This fund is maintained to provide employes with relief in case of accident and to assist the families of those killed in the service of the company. The company and subscribing employes contribute equal amounts to the maintenance of the fund. The contributions of the employes are made upon a call issued by the company from time to time, and are entirely voluntary on the part of each person. The subscriptions to each call are a day's wages or less, the amount not to exceed three dollars. Any contributor to the fund who receives an accident while performing a service for the company is entitled to receive for each working day of his disability a benefit equal to three-fourths of his last contribution; the maximum benefit period being nine months. If an accident causes the loss of a limb the contributor is provided with an artificial limb. If death results from an accident his family receives fifty dollars to cover the funeral, or other immediate, expenses. His widow, if she remains unmarried, receives for two years, in monthly payments, an allowance for every working day, at the daily rate of three-fourths the amount of the deceased employe's last contribution. If the deceased leaves no widow the benefit may be claimed by his children under sixteen years of age; if there be no children of that age the employe's mother, father, and brothers and sisters under sixteen years of age may make claim in turn. The company manages the fund and refuses to consider itself bound to aid any employe who does not make contributions to the fund.

The thirty-seventh call was made June 1, 1895. The relief work accomplished by means of the fund is indicated by the following condensed statement of receipts and disbursements between March 31, 1894, and March 1, 1895,

a period of eleven months. Two calls were made during that time.

Balance on hand, March 31, 1894, . . . . .	\$3,362.63
Amount contributed by employes, 34th Call (4229 contributors) . . . . .	7,795.03
Amount contributed by Company, 34th Call, . . .	7,795.03
Amount contributed by employes, 35th Call (4765 contributors) . . . . .	8,789.55
Amount contributed by Company, 35th Call, . . .	8,789.55
	<hr/>
	\$36,531.79
Benefits paid . . . . .	34,926.54
	<hr/>
Balance, March 1, 1895, . . . . .	\$1,605.25

The Northern Pacific Railroad has a system of organized relief, managed by the Northern Pacific Beneficial Association, of which the general manager of the road is president. As concisely described by its president this association "provides a regular system of medical attendance, applying alike to both sickness and injury, also a daily allowance of fifty cents during the time of actual disability, and a small death allowance to cover burial expenses in case of death. The fund is maintained by a monthly assessment of all employes on a fifty cents per capita basis, the fund thus raised being held by the assistant treasurer of the railway company, and is administered by the secretary of the association under the direction of the president in connection with an executive committee from the general officers of the company." \*

*The Pension and Superannuation Feature.*

Reference was made on page 79 to the pension feature of relief departments. All of the roads under discussion provide in the regulations governing their relief departments for giving aid to disabled members for at least fifty-two weeks. Besides this the pensioning of employes permanently disabled by accident incurred while on duty is provided for. No

\* Third Annual Report Interstate Commerce Commission, p. 371.



system of relief, however, can be considered complete unless it makes provision for employes whom sickness or old age permanently disqualifies for labor. Every effort which employes may put forth on their own part to make provision against suffering in case misfortune or old age shall have rendered them incapable of earning a livelihood ought to be encouraged and helped on by the railway companies. But the duty of the company does not end here. It is only humanitarian for the company to help its employes to maintain the fund necessary to pension those faithful employes who have become permanently disabled in the honest discharge of duty.

But quite aside from any humanitarian motives, the advantage a wise plan of pensioning employes brings to a railway company in the increased efficiency of its staff justifies the company in aiding their employes in maintaining a pension fund. Pensioning employes gives good servants greater inducement to remain in the service; it tends to make workmen and officials more faithful and efficient, and makes it possible for a company to retire its old servants from its service in such a way as not to reduce them to disgraceful dependence when age shall have rendered them incapable of doing their work well. Whether or not it most promotes the employe's best interests for the company to bear all the expenses of the pension fund is, perhaps, an open question. Nothing ought to be done to lessen the employe's sense of personal responsibility, or in any way to undermine his feelings of industrial independence, or his pride in the same. Co-operation in sharing the burdens meets the demands of justice, and does nothing to weaken the providence and forethought of laborers—qualities of character upon which the future progress of workingmen greatly depends.

The justice and wisdom of pensions for railway employes are generally recognized in foreign countries, and not only in France and Germany, where the connection of the state with the railroads has been especially close, but in England

as well, where the construction and operation of the means of transportation have always been individual enterprises. Most English companies require employes to turn a portion of their wages into a pension and superannuation fund, toward which the company usually contributes an equal amount. Usually, but not always, salaried officers and clerks contribute to a different pension fund than other employes do.

The Grand Trunk Railway of Canada adopted the English plan in part, and October 1, 1874, established a superannuation and provident fund. In view of the importance of superannuations, and of the fact that they are not provided for by the relief plans of four of the five American railway systems under consideration, reference to the superannuation fund of the Grand Trunk Railway may well be made here. The employes eligible to membership are those under thirty-seven years of age holding the position of a salaried officer, clerk, passenger or freight agent, telegraph operator, road master, inspector in any department, and foreman in the mechanical department. Membership was made optional for those in the employment of the company at the time of the inauguration of the plan. All employes in the above category, taken into the service since October 1, 1874, have been obliged, if their annual salary equaled \$400 or more, to contribute to the superannuation fund. The contribution required is two and one-half per cent of wages. The company gives a like amount.

A member may retire upon reaching fifty-five years of age, or at any time thereafter, and receive annually for the remainder of his life a sum equal to one-sixtieth of the salary obtained on retirement multiplied by the number of years he had been a contributor to the fund.\* If death occurs before the member begins to receive a superannuation allowance, his

\* Thus if the salary at retirement was \$900 a year, and he had been a contributor twenty-five years, he would receive ( $25 \times \$15 =$ ) \$375 a year. The maximum amount which he can receive is two-thirds the average salary paid to him during the years he has been contributing.

widow or dependent relatives receive a sum equal to the amount of his payments up to the time of his death. If disablement occurs ten years after joining the association the member is granted an annuity whose amount is determined by the committee of management. Members who are honorably discharged from the service of the company receive back half their contributions. Employees resigning the service of the company, after having been members of the association for five years, also receive back one-half their contributions. Any person disabled before he has been a member for five years is paid half the contributions he has made. The committee of management consists of twelve persons, eight of whom are officers of the company. The members of the association elect only four of the representatives.\*

The Baltimore and Ohio is the only railroad in the United States whose relief department has a regularly organized system of pensions. Attention was called above to the fact that each company, excepting the Reading, makes provision in the regulations of its relief department for pensioning members permanently disabled and incapacitated for work by accident received while on service. The three "features" of the Baltimore and Ohio's department were also noted. The "pension feature" was established in order that superannuation annuities might be granted to men sixty-five years of age who have served the company ten consecutive years. The necessary funds are supplied entirely by the company, which annually contributes \$25,000 for this purpose.†

The benefits to which a pensioner of the Baltimore and

\* The offices of the "Grand Trunk Railway Superannuation and Provident Fund Association," are in Montreal. The secretary is Mr. H. T. Tatum. The report of the secretary and a copy of the association's regulations were the sources of information in writing the above.

† This amount may also be augmented by the \$6000 yearly appropriated by the company toward the support of the relief feature, in case the funds of the relief feature do not require this extra appropriation. The pension fund has, as a fact, always received this appropriation.

Ohio relief department is entitled are one-half the first year's sickness allowance, varying from twenty-five cents a day, Sundays excluded, for a member of wages class A, to one dollar and twenty-five cents a day for a person in class E. Fifteen years of membership in the relief fund entitles the pensioner to five per cent, and twenty years of membership to ten per cent additional. The following table shows the exact amounts of pension guaranteed the several classes.

SUPERANNUATION BENEFITS, BALTIMORE AND OHIO RELIEF DEPARTMENT.

CLASS IN RELIEF FEATURE.	Daily rate, membership of four years or more.	Five per cent additional for membership of fifteen years.	Ten per cent additional, twenty years' membership.
A . . . . .	\$ 25	\$ 26¼	\$ 27½
B . . . . .	50	52½	55
C . . . . .	75	78¾	82½
D . . . . .	I 00	I 05	I 10
E . . . . .	I 25	I 31¼	I 37½

With the exception of the Burlington the plans of the other railway systems having relief departments contemplate the inauguration of a pension and superannuation feature as soon as circumstances permit. Their regulations provide that any surplus existing at the close of each period of three years "shall be used in the promotion of a fund for the benefit of superannuated members, or in some other manner for the sole benefit of members of the relief fund as shall be determined by vote of two-thirds of the advisory committee and approved by the boards of directors of the associated companies."\*

At the close of its last fiscal year, December 31, 1894, the Pennsylvania Railroad relief department had a surplus of \$273,750.95, which had been set aside as a foundation for a superannuation and pension fund. This sum is not con-

\* The corresponding section of the Burlington's regulations does not contain any reference, such as this in the quotation, to a superannuation fund. As the operation of its relief department has thus far resulted in a deficit, the omission is not of great practical importance.

sidered sufficient to carry on the work contemplated. "The subject, however," says the last report of the department, "is receiving continued and earnest attention." The department connected with the Pennsylvania lines west of Pittsburgh and Erie has accumulated only a small surplus as yet; but the Reading relief association has a fund which amounted to \$314,704.89 on November 30, 1894, when the report was made.\*

When the relief departments take the contemplated step of incorporating in their work the payment of pensions to members whom sickness or old age incapacitates for service, they will strengthen their organizations with an important element of usefulness. In aiding the employes in providing the necessary funds for the maintenance of this work the railway companies may most properly follow the example set by the English railroads or by the Baltimore and Ohio. The railway corporations at present contribute a considerable sum annually to aid unfortunate and aged employes. Were they to add nothing to the amounts now given, their expenditures would be more beneficially made were their contributions given to supplement a well-regulated pension and superannuation fund.

The Baltimore and Ohio superannuation feature is supported entirely by the company, but the benefits granted are comparatively small. Moreover, the reasons above referred to against granting pensions to employes without their having contributed toward the funds from which the pensions are paid make desirable the co-operation of the employes and companies in raising the amount of money necessary to carry on the work. When the other companies come to establish a pension feature they will do well to make the payments

\*The Superintendent of the Philadelphia and Reading Relief Association, Mr. W. Hoffman, says in a letter dated June 12, 1895: "The payment of benefits to permanently disabled members, and pensions to superannuated employes, is a matter to be considered and adjusted whenever it is thought the surplus funds of the association, now amounting to nearly three hundred and twenty-five thousand dollars (\$325,000), will warrant it."

larger than the Baltimore and Ohio has made them, and require the employes to bear part of the expense.

*The Savings Feature.*

Two railway systems, the Baltimore and Ohio and the Pennsylvania companies east of Pittsburgh and Erie, manage a savings fund in the interests of their employes. The Baltimore and Ohio has made the savings fund a regular feature of its relief department, while the Pennsylvania Railroad Company has a distinct organization for the management of the money entrusted to it by the employes. The association of the savings feature with the relief department seems appropriate for logical reasons. The purposes underlying the establishment and maintenance of each are much the same. The savings fund enables the company to increase its means of aiding its employes to secure themselves and their dependent families against want. The only reason that could make it desirable for the board of directors of a railway company to separate the savings fund from the relief department must grow out of the problem of practical administration. For this reason reference is here made to the savings fund of the Pennsylvania Railroad Company, although it is not managed by the relief department. The plan of the Baltimore and Ohio will first be outlined.

The Baltimore and Ohio Railroad Company had two objects in view in the establishment of a savings fund: "To afford opportunity to employes and their near relatives to deposit savings and earn interest thereon, and enable employes only to borrow money at moderate rates of interest and on easy terms of repayment, for the purpose of acquiring or improving a homestead or freeing it from debt." The company guarantees the repayment of deposits and the payment of interest at the rate of at least four per cent per annum, unless changed by notice. If the net earnings of the savings fund exceed the guaranteed interest dividends may be declared; accordingly the depositors have regularly

received five per cent on their investments. During the fiscal year ending June 30, 1895, the depositors got five and one-half per cent.

The rules governing the savings fund give (1) "any employe of the company, his wife, child, father or mother, or the beneficiary of any deceased member of the relief feature" the privilege of depositing with the company any sum of money not less than one dollar and not more than \$100 in one day, for the repayment of which, with interest, the company becomes the guarantor. Any person ceasing to be employed by the company may continue a depositor if his balance is fifty dollars or more at the time of leaving. (2) "Any adult employe of the company, who is a member of the relief feature and has been continuously in the service not less than a year, may borrow from the funds of the savings feature sums not less than \$100, at the interest rate of six per cent per annum," payable monthly. It is, however, provided that every borrower must carry life insurance in the relief department equal to the sum loaned him; or, if the regulations of the relief feature prevent this, the borrower must hold a policy of equal amount in some regular life insurance company.

The only purpose for which money can be borrowed is for acquiring, improving, or releasing a lien, upon a home situated, except in large cities, within a mile of the railroad company's lines. No loan is paid directly to the borrower, but is applied to the payment of bills approved by him. The repayment\* of loans is provided for by deductions from the

\* The repayment of a loan of one thousand dollars is illustrated by the following statement:

Principal . . . . .	\$1000 00	Interest second month . . . . .	\$90 00
Interest first month . . . . .	5 00		4 95
	<u>\$1005 00</u>		<u>\$994 95</u>
First payment . . . . .	15 00	Second payment . . . . .	15 00
	<u>\$990 00</u>		<u>\$979 95</u>

The loan would be repaid in about eighty-two months, the total interest paid being \$219.43.

monthly wages of the borrower of a dollar and fifty cents for each hundred dollars of the debt. If the borrower leaves the service of the company he must make the monthly payments at his own risk.

The plan of the Pennsylvania Railroad Company's saving fund differs from that of the Baltimore and Ohio in several particulars. The chief difference being that the Pennsylvania makes no provision for loaning money to employes. This robs the Pennsylvania's savings fund of the feature of most social importance, and makes it of less value than the Baltimore and Ohio's fund. Deposits may be made of sums, in even dollars, not exceeding \$100 a month. The privilege of depositing is limited to the period of employment in the service of the company. If a depositor's connection with the company be severed his accounts must be settled within thirty days.

The employes appreciate the privileges afforded by the savings feature. According to the report of June 30, 1894, the savings fund of the Baltimore and Ohio was in debt to the depositors to the amount of \$780,668.42. The outstanding loans to the employes were \$667,334.75. The deposits during the year were \$227,861.11; the amount loaned within the year, \$206,081.56. From August 1, 1882, when the savings fund was inaugurated, to June 30, 1894, the total deposits amounted to \$2,220,334.28, and the total sum loaned to employes equaled \$1,526,842.35. The money thus loaned was used upon houses—in building 813, buying 714, improving 159, and releasing liens on 329.

The report of the Pennsylvania Railroad Company, December 31, 1894, shows that 4112 employes of that road were depositors in its savings fund. The total amount of the fund on that date was \$1,354,748.33, and of this sum \$1,300,000 had "been securely invested in four per cent bonds." The company established the fund December, 1887.



*The Results Accomplished by Railway Departments in the Relief and Insurance of Employes.*

Having outlined the organization of the different branches of the relief department, and given statistics of the results accomplished in helping to provide pensions and superannuation payments, and in inaugurating and managing savings funds, it now remains to examine the nature and extent of the relief afforded employes by means of benefits paid in case of accident, sickness, or death. Most of the data required for this examination is contained in the annual reports of the five relief departments under consideration.

The companies associated in these five relief departments own or operate fully one-eighth of the total railway mileage of the United States, and include in their service about one-sixth of all the employes of the country. The following table shows what the membership of the several relief departments has been at the close of each fiscal year since organization:

YEAR.	Pennsylvania Railroad Co. End of fiscal year, December 31.	Pennsylvania Lines, West. End of fiscal year, June 30.	Philadelphia and Reading. End of fiscal year, November 30.	Baltimore and Ohio. End of fiscal year, June 30.	Chicago, Burling- ton and Quincy. End of fiscal year, December 31.	Totals.
1886 . . . . .	19,952	. . .	. . .	. . .	. . .	19,952
1887 . . . . .	18,744	. . .	. . .	. . .	. . .	18,744
1888 . . . . .	19,332	. . .	. . .	. . .	. . .	19,332
1889 . . . . .	21,457	. . .	13,030	22,930	5,027	62,444
1890 . . . . .	24,984	12,168	14,596	22,313	9,407	83,468
1891 . . . . .	27,200	11,666	15,035	21,920	10,336	86,157
1892 . . . . .	31,640	11,391	15,216	19,894	12,283	90,424
1893 . . . . .	32,827	12,464	14,748	22,637	11,476	94,252
1894 . . . . .	33,405	11,463	15,160	20,479	11,768	92,275

The membership in the departments showed a steady increase until checked by the crisis of 1893 and 1894, which necessarily reduced the number of railway employes. The present total membership comprises somewhat over ten per

cent of the railway force of the United States. The Pennsylvania Railroad Company's department, October 1, 1894, had on its rolls fifty-one per cent of all the employes of the companies associated in that organization. In the Burlington's department 53.18 per cent of the employes are enrolled. As not all employes of these systems are eligible to membership in the relief departments the members constitute a much larger percentage of those who have the right to join than of the total number of men in the service. The Baltimore and Ohio and the Reading make membership in the relief department a condition of employment, thus the enrollment of their relief organizations includes nearly all their permanent working force. The total number of men employed by the Reading, November 30, 1894, was 17,099; as given above the members of its relief department numbered 15,160.

The dangers incident to railway service are notorious.\* The following table gives the record of disablements and deaths during the fiscal year ending in 1894 among the railway employes who are members of relief departments:

AVERAGE MEMBERSHIP, DEATHS AND DISABLEMENTS, RELIEF DEPARTMENTS, DURING FISCAL YEAR ENDING IN 1894.

RELIEF DEPARTMENT.	Average membership during the year.	Disablements Occurring.				Deaths Occurring.			
		Accidents.	Cases of sickness.	Total.	Percentage of members constantly disabled.	By accident.	From natural causes.	Total	Per 1000 members.
P. R. R. . .	32,624	4,731	13,073	17,804	31 <sup>2</sup> / <sub>3</sub>	69	304	373	11.5
Penna. Lines, West . . .	11,894	2,197	3,243	5,440	31 <sup>8</sup> / <sub>3</sub>	41	121	162†	14
B. & O. . . .	21,288	3,584	8,022	11,606	31 <sup>5</sup> / <sub>3</sub>	65	178	243	11.4
Reading . . .	14,500	2,467	5,117	7,584	31 <sup>7</sup> / <sub>3</sub>	56	110	166	11.4
Burlington .	11,400	2,773	4,469	7,242	31 <sup>7</sup> / <sub>3</sub>	28	64	92	8.1

\* See page 65.

† This is the number of death benefits paid during the year; 164 deaths occurred.

This table is of some value for purposes of comparison. It is, however, limited to one year and must be taken as illustrative instead of being made the basis of deductions. The statistics of deaths occurring indicate the number of death benefits paid, but there is no such correspondence between the number of disablements and the number of disablement benefits. Many cases of accident and sickness reported do not involve the payment of any benefits. For the 3584 accidents reported to the Baltimore and Ohio department there were 2996 cases receiving benefits; sickness benefits were paid on only 3033 cases, in fact not more than fifty per cent of the cases of sickness reported receive benefits, because recovery takes place within the first week, during which time no aid is given. Nevertheless the statistics of each company show the payment of a greater number of benefits than there are disablements reported. This is explained by the fact that more than one payment may be made for a single case of disablement. Other things being equal the sickness benefits paid by the Pennsylvania Railroad Company will be more in number than those paid by other roads, because that corporation begins aiding the sick after only three days of disability. With these limitations kept in mind the table may be consulted to determine the risks carried by the relief departments.

As already stated the funds, out of which the benefits are paid and the departments operated, are derived from the members' contributions, increased and supplemented by grants made by the companies. During the fiscal year ending December 31, 1894, the members of the Pennsylvania Railroad relief department contributed \$611,745.40,\* while the companies gave the department \$88,701.47 for operating expenses, \$2007.50 for deficiencies, and \$31,267.60 to members whose disability, due to natural causes, had continued over fifty-two weeks. The companies' total payments

\*Including \$6186.64 received as interest on deposits.

were \$121,976.57, or sixteen and one-half per cent of the entire amount contributed by both parties. The Burlington's department, from its establishment, June 1, 1889, to December 31, 1894, received from its members \$1,211,852.08, including interest, and from the associated companies \$285,960.19 for operating expenses, and \$42,532.94 for the discharge of deficiencies. The total contributions of the companies were \$328,493.13, or nineteen per cent of the entire amount received from both contributors. The reports of the Baltimore and Ohio relief work show that company's department to have paid benefits during the fourteen years preceding June 30, 1894, to the amount of \$3,735,880.80. The company gave for operating expenses \$520,464.67, and for pensions \$238,254.30, or a total \$758,718.99. The company's contribution was sixteen and eight-tenths per cent of the total receipts of the department.

It thus appears that the relief departments obtain from one-sixth to one-fifth of their receipts from the railroad companies. Part of this sum goes to relieve the permanently disabled, and is thus of the nature of pensions. This seems a small proportion for the companies to pay toward the several kinds of relief afforded when one considers that the contributions made by foreign railroad companies for the relief, pension, and insurance purposes are one-third or one-half of the total funds. It is, however, to be borne in mind that the railroad companies contribute several valuable services not included in what they give as "operating expenses." American companies also pay higher wages, and by means of them the employes are able generally to secure relief and insurance in labor organization if they choose to do so. It was suggested above that both the companies and the employes might well increase their contributions toward pension and superannuation funds.

The actual aid derived by the members of relief departments during the fiscal year ending in 1894 is shown by the following table. The surgical services received by mem-

bers is not included in the sums indicating benefits received.\* Except in the case of the Burlington the payments indicate benefits received for each case of sickness or accident, it is possible for a member who meets with more than one accident or who is permanently disabled, to receive more than one benefit within a year. The figures for the Burlington indicate the average cost of the cases closed during the year. Unless this is kept in mind the table will seem unfair to the Burlington department. The table does not include the superannuation payments made by the Baltimore and Ohio Railroad.

AVERAGE BENEFITS PAID BY RELIEF DEPARTMENTS.  
FISCAL YEAR 1893-94.

RELIEF DEPARTMENT.	For Disablement from		For Death from	
	Accident.	Sickness.	Accident.	Sickness.
P. R. R. . . . .	\$13 49	\$11 19	\$611 25	\$565 15
Penna. Lines, West . . . .	17 00	13 71	621 13	638 84
B. & O. . . . .	12 33	15 30	1075 62	589 43
Reading . . . . .	17 00	14 50	451 00	460 50
Burlington . . . . .	25 31	31 86	869 57	694 63

The relief work of the Baltimore and Ohio Company's organization has been in progress since 1880. The record of what has been accomplished by the "relief feature" of that company's department during a period of fourteen years may be taken as a fair indication of the results of relief work by such means. This record is as follows:

\* Payments to outside physicians from the Pennsylvania Relief Fund are included in the amounts reported as paid for benefits.

BENEFITS PAID BY B. & O. EMPLOYEES' RELIEF ASSOCIATION AND  
THE RELIEF DEPARTMENT FROM MAY 1, 1880,  
TO JUNE 30, 1894.

	Number.	Cost.	Average per Case.
Deaths from accident . . . . .	959	\$1,011,232 22	\$1,054 46
Deaths from other causes . . . .	1,841	821,290 50	446 11
Disabilities from accidental injuries received in discharge of duty . . . . .	51,430	662,084 81	12 87
Disabilities from sickness and other causes than as above . .	74,306	1,091,338 57	14 69
Surgical expenses . . . . .	29,591	149,934 70	5 06
Aggregate . . . . .	158,127	\$3,735,880 80	\$23 62
Add disbursements for expenses, etc., during same period . . . .		520,464 67	
Total disbursements for all purposes . . . . .		\$4,256,345 47	

The following table shows the amount of relief work done by the relief department of the Pennsylvania Railroad during the nine years of its history:

RECEIPTS AND DISBURSEMENTS, RELIEF DEPARTMENT, PENNSYLVANIA  
RAILROAD FOR THE NINE-YEAR PERIOD ENDING  
DECEMBER 31, 1894.

RECEIPTS.

From members, . . . . .	\$3,957,242.78
Interest on current balances and surplus, . . . .	93,725.30
Contributions of Companies for deficiencies, Company relief and operating expenses, . . . .	898,042.94
Total revenue, . . . . .	\$4,949,011.02

DISBURSEMENTS.

For accidents, . . . . .	\$722,565.15
For sickness, . . . . .	1,287,220.48
For deaths from accidents, . . . . .	420,944.45
For deaths from natural causes, . . . . .	1,279,214.45
Total payments for benefits, . . . . .	\$3,709,944.53
Operating expenses, . . . . .	\$770,380.60
Total disbursements, . . . . .	\$4,480,325.13

*Objections Raised by the Critics of Relief Departments.*

The railway employees' relief department has not escaped adverse criticism. The animosities to which the conflicts of labor and capital have given rise would alone account for the opposition of many persons to an institution founded by the railway companies partly for the avowed purpose of helping to harmonize the interests of the employed and employer. Some of those who are solicitous for the welfare and upliftment of railway operatives have thought it best for these laborers to avoid all alliance with their employers. Persons of this mind have regarded the relief department as "a corporation measure, against the best interests of the employe." The more severe of these critics have denounced both the compulsory and voluntary relief departments, claiming that in establishing them the railway company's "first purpose was to retard the growth of labor organizations, and the second to protect itself against suits for damages."\*

The fact that the organizations of railway employes provide members with opportunities for insurance makes it necessary for the relief departments associated with railway companies to do their work in a competitive field; they are rivals of other relief and insurance agencies and have to meet their criticism and opposition. This criticism is mainly directed against three features of the relief department's plan of organization.

First, objection is most frequently raised against the relief departments in which membership is made compulsory upon employes by being imposed as a condition of entering the employment of the company with which the relief organization is connected. Mr. E. E. Clark, grand chief conductor of the Order of Railway Conductors of America, is one of the more temperate critics of relief departments. He is not in favor of voluntary relief associations, but is chiefly opposed to those having the com-

\* See *Railroad Trainmen's Journal*, March, 1894.

pulsory feature. "When the railroad companies," he says, "establish these associations and make membership therein voluntary on the part of their employes it is purely a business proposition, under which they enter a competitive field, and no one has any right to question their right to do so."

The Reading and the Baltimore and Ohio systems are the only ones which make membership in their relief departments compulsory upon employes. When the Baltimore and Ohio Company first inaugurated its relief department the compulsory feature gave rise to much criticism. The plan of the department, however, in making provision for continuing participation in death benefits after leaving the service of the company took away much of the force of the objection to compulsory membership. The plan of the relief department of the Pennsylvania Railroad, as first proposed, included the compulsory feature and the continuation of death benefits to members after leaving the service; but the employes objected to the compulsory feature, and a voluntary department with benefits limited to the period of service was instituted.\*

The Reading Railroad does not allow a member of the relief association to continue payments and maintain a claim upon death benefits after leaving the service, although membership is compulsory. This is a serious defect in the company's plan. There seems to be no injustice in the compulsory feature when death benefits, as by the plan of the Baltimore and Ohio and the Burlington, are not conditioned upon continuation in the service of a particular road. Moreover, there is an advantage, from the point of view of the public, in making membership compulsory, arising from the fact that by this arrangement all permanent employes of the railroad must have passed the physical examination required by the relief department. This would raise the physical attainments and the general proficiency

\*See "Remarks on the Relief Plan of the Pennsylvania Railroad," by J. A. Anderson.



of the staff of laborers in whose keeping the safety of the traveling public is constantly entrusted.

Second, the regulations of all of the five relief departments stipulate that the member or his beneficiary may choose whether he will sue the company for damages in case of accident or death, or accept the benefits payable from the relief fund. If he chooses the latter he shall have no further legal claim against the company. This stipulation has often been denounced by the critics of relief departments who charge the railroad companies with establishing these departments in order to shield themselves from their legal liabilities. The accusation has little validity. The companies make substantial contributions to the funds of the relief department, which appropriations may rightly take the place of payments they would otherwise make. The benefits obtained by the employes from membership in relief departments, being an assured sum of considerable amount receivable promptly when most needed, are greater than could be obtained from the railroad companies by virtue of their legal liabilities to pay damages to injured employes or to their heirs. Very many accidents do not, on the face of things, involve a liability on the part of the company. The liability of the company usually has to be proven. The law may guarantee a larger payment, but law suits are uncertain, delays are unavoidable, and the lawyer's fees are heavy. The legal liability makes no provision in case of sickness or death due to natural causes; and disablements and deaths resulting from natural causes largely outnumber those caused by accidents.

Third, another objection raised against relief departments generally is that membership in them is forfeited when the employe leaves the service of the company with which the department is connected. This has been referred to in considering the objections to the compulsory feature. This is a weighty criticism. During the fiscal year of 1893-94, 2896 members of the Pennsylvania Railroad relief depart-

ment left the service of the associated companies. The year previous 5161 members left the service, or fifteen per cent of the average membership. As regards the relief department of the Pennsylvania lines west of Pittsburgh and Erie, 2561 members left the service in 1892-93, and 1741 in 1893-94.

A faithful employe may contribute for a number of years to a fund from which death benefits are obtainable and then, by dismissal from service on account of some one of many reasons which may compel railway companies to reduce their force—by the discharge of good servants as well as poor ones—be obliged to lose all claims upon life insurance payable from that fund. Of course, it is perfectly just that claims for sickness and accident benefits should terminate with service; but in the case of claims upon death benefits it is a different matter. The Baltimore and Ohio department allows members after leaving the service of the company to retain their natural death benefits, and is thus not open to the above criticism. The regulations of the Burlington's department permit a member of one year's standing who has served the company continuously for three years to retain, upon leaving the company's service, "the minimum death benefit which he has held at any time during the last year." Though this provision is restricted by the requirement of three years' continuous service it frees the company of the charge of injustice. The relief departments of the three other companies ought to amend their regulations so as to permit employes to continue claims upon death benefits after leaving the service of the company to whose relief fund they had been contributing. If the adoption of the compulsory feature is necessary in order to make this change, then let that also be incorporated.

These criticisms of railway relief departments have undoubtedly kept several railroad systems from establishing such associations. The replies made by the presidents of the Chicago, Milwaukee and St. Paul; the Michigan Cen-

tral, and the Louisville, New Albany and Chicago to the circular of inquiry, sent out by the Interstate Commerce Commission in 1889, in connection with its investigation into the relations existing between railway corporations and their employes, assert that those three companies had not established relief departments because of the opposition of the employes.\* There is, however, little evidence that railway companies have made any very earnest attempt to overcome the objection of their employes, much of which opposition there is reason to believe is due to a misunderstanding of the plan of relief proposed, and of the purposes which may prompt a company in seeking to establish such an institution.

The relief departments now existing seem to find favor with the men in the service of the companies that have established relief organizations. Mr. S. R. Barr, superintendent of the Baltimore and Ohio relief department, says: "The organizations of railway employes do not actively oppose the relief department, nor do I think they have any objection. No objection on the part of any organized body of labor has ever come to my attention since this institution was organized. I have been present at many of the meetings of these organizations and have addressed the men on this subject and have talked with the leaders and have never heard any expressions of opposition at any time; on the contrary, I think that these men, as a rule, favor this institution.†"

*Special Advantages of the Railway Department Plan of Relief and Insurance.*

The adverse criticisms made by the opponents of the relief department idea, though containing some truth and suggesting at least one amendment, do not disprove the superiority of this over other plans of relief and insurance. The special advantages, from the employe's standpoint, of

\* See Third Annual Report Interstate Commerce Commission.

† Quoted from a letter written August 10, 1895.

this method of relief are its comprehensiveness, its cheapness, and its safety.

The comprehensiveness has already been fully indicated. Life insurance is provided in amounts varying from \$250 to \$2500, and relief is guaranteed in case of sickness or accident. The relief assured is definite in amount and promptly obtained. When the proposed pension feature shall have been regularly incorporated in the plan the member of the relief department will have a definite claim upon assistance in all cases in which relief ought to be obtained.

A fruitful discussion of the cheapness of relief and insurance by means of railway departments must take several factors into account. The plan of relief being much more comprehensive than those of other agencies, obviously a comparison of the total assessments of relief departments with the requisitions of rival organizations would have no meaning. The payments made by the members of the railway department are given to secure claims upon three kinds of benefits—sickness, accident, and death benefits. As a prerequisite of any comparison of the costs of relief and insurance in relief departments and in other organizations it is necessary to apportion the total assessments of the relief departments among the three kinds of benefits. According to the experience of the relief department of the Pennsylvania lines west of Pittsburgh and Erie the total payments of a member of the fourth class, *i. e.*, one who contributes thirty-six dollars annually to the department and has a claim upon a death benefit of \$1000, represent a contribution of ten dollars to cover the accident claim, thirteen dollars for sickness claim, and thirteen to cover the expenses of maintaining the death benefit. This member in class four could secure an additional death benefit of \$1000 by paying fourteen dollars and forty cents extra if not over forty-five years of age, and twenty-one dollars and sixty cents extra if over forty-five and not more than sixty years old.

The costs of securing a claim to the death benefits of a relief department are to be compared with the costs of carrying life insurance in some regular stock company or in "the mutual benefit department" of some such labor organization as the orders and brotherhoods in which railway men largely have membership. As compared with the costs of life insurance in companies, such as the Equitable or others similar to it, the cost of mutual insurance, whether in a brotherhood or in a railway relief department, is much less. When one compares the railway relief department with the order or brotherhood as to the relative costs of life insurance, the two institutions are found to make about the same showing. The Order of Railway Conductors, for instance, gives its members, capable of passing the usual physical examination, a chance to insure for sums varying from \$1000 to \$5000, according to age. The average cost for all members per thousand dollars of insurance is fourteen dollars a year. The order also pays the full amount of the life insurance certificate to the member if he suffer the loss of a hand or foot, or the total loss of eyesight or of the sense of hearing. In the Brotherhood of Locomotive Engineers the cost of insurance is greater, as the dangerous character of the engineer's work would lead one to expect. The average expense in 1892-93 for each member insured was sixteen dollars and thirty-three cents per thousand dollars of insurance carried.

Such comparisons might be multiplied, but these two suffice to show that the actual cost of life insurance in the orders and brotherhoods does not materially differ from the costs of securing equal insurance benefits in relief departments. There is good reason why this should be true. In both cases the benefits are afforded at actual cost. The expenses of operating the relief department are paid by the companies, while the costs of administering the mutual department, it is true, have to be borne by assessments on the members insured; but the actual cost of collecting and pay-

ing life insurance is really light. The Order of Railway Conductors paid claims in 1894 aggregating \$388,000 at an expense of only \$8760.74—two and one-fourth per cent of the benefits paid.

The expenses of securing the accident benefits of railway relief departments might well be compared with the costs of obtaining equal assistance from a labor organization or from a stock accident insurance company, were it possible to make such a comparison. This, however, is hardly possible.

The relief department does a much larger work. It has much more complete facilities for affording relief than can be given by any other agency. Having connection with the railway company the departments are more easily able to command the services of surgeons at all points along the railroad's lines. They also have the free use of the railway organization to aid them in giving assistance in individual cases and in perfecting a general system of relief work. These facts are so generally recognized that railroads having no relief department provide surgical treatment, and often establish hospitals for the employes who meet with accidents while on duty. The orders and brotherhoods undertake only to supplement the accident relief afforded by the railroads and provide definite accident benefits only in case of permanent injuries that incapacitate their members for labor. The railway employes belonging to a relief department, whenever disabled by any kind of accident resulting from the performance of some service for their employer, receive free surgical attendance and obtain money benefits of a definite amount during the entire continuance of the disability.

Accident insurance in stock companies is expensive. The operating expenses of such companies are heavy and their profits large. These two items sometimes consume half the receipts from premiums. The operating expenses of relief departments are paid by the railway companies, and the

surplus receipts are all devoted to the payment of benefits to members.

Still less is it possible to make definite comparisons between relief departments and the brotherhoods and orders as regards the cost of sickness benefits. The labor organizations render commendable assistance to their members during sickness, and in ways that are familiar to everybody. They have not undertaken and could hardly attempt to furnish their members with definite money aid during the entire continuance of sickness. The member of the relief department may be considered to receive his wages from two different funds. When well he is paid the major part of his earnings from the funds of the company's paymaster; when he meets with an accident or is taken sick he begins to receive from the funds of the relief department the remaining minor portion of what he has earned plus the contributions of others. The member of the relief department pays a liberal sum for sickness as well as accident relief, but obtains in return greater assistance than can be gotten in any other way.

The substance of these general remarks on the relative cheapness of the relief and insurance to be secured from relief departments is that the costs of life insurance, where comparisons are possible, are about the same in the brotherhoods and in the relief departments. The accident and sickness benefits secured from relief departments are more comprehensive than those to be obtained from either stock companies or from brotherhoods, and they are obtained more cheaply from the departments than from the stock companies. The relief departments render greater assistance than other agencies, and levy assessments to cover the actual benefits paid. These costs are less than those of any other relief system could be because of the connection of the department with the organization of a great railway system.

The third special advantage of the employee's securing insurance and relief from a railway department is the safety of this plan. Mutual insurance is always cheap, but

is not usually considered so safe as insurance in old wealthy stock companies. For this reason, chiefly, the stock company is able to obtain higher premiums. But the relief department connected with a large railway corporation or with several associated companies is a thoroughly safe institution. Great railway properties are hardly destructible; receiverships may come and reorganization proceed slowly or never be realized, but the road will continue to be operated either by the old management or by a new one, and the employes will hold their positions and keep on with their work. Their relief department will live on and will suffer least of all from the misfortunes of the road. Whatever surplus the department may possess will, judging from precedent, have been invested in bonds of the best description.

These are some of the advantages of the relief department accruing directly and solely to the employe. Other advantages are shared by the member with the railroad companies and the public. One result of the establishment of relief associations in which the railway companies and their servants unite for a common purpose is the cultivation of a better relationship between employer and employed. Labor and capital are brought into friendly contact. This is to their mutual benefit and for the good of society. If the relief department contributes something to overcome the bitter feelings, the distrust, hostility, and strife which have so often characterized the relations of corporations and their employes, that fact must argue much in its favor.

The relief departments render the public an important service by raising the standard of efficiency in the railway service. This is especially true when membership in a relief department, and hence the ability to pass the requisite physical examination, is made a condition of admission to permanent service. The regulations of all relief departments stipulate that no benefits shall be paid to any member who meets with an accident because of intoxication, fighting, or disorderly conduct. The beneficial influence



of such a rule as this hardly need be pointed out. Whatever raises the *morale* of railroad laborers is a public blessing. Any criticism against a railway company for refusing to employ any but thoroughly sound and trustworthy men is based on error. The safety of the public and its economic welfare are so vitally dependent upon the railways that the best interests of society demand that the railroad companies' staff of laborers shall consist of the best grade of men obtainable.

*Conclusions.*

This study of the railway relief department leads to the conclusion that it is an institution of undoubted benefit to the employes, the railway companies, and the public. It is founded upon the true principle that the interests and welfare of labor, capital, and society are common and harmonious, and can be promoted more by co-operation of effort than by antagonism and strife. The institution enables the railway companies to assist more fully in alleviating the suffering which laborers in such a dangerous service must inevitably incur. The public and railroad corporations are alike benefited by the higher standards of efficiency which the relief department has required the railway staff to maintain.

The railway relief department is not an institution that can or ought to take the place of the organizations in which railway employes have membership. The provision of relief and insurance is only one of the purposes of the orders and brotherhoods of railway employes. Were they to turn over this function entirely to the railway relief department, their societies would still perform the chief service for which they were established and would still appeal strongly to the interest and support of railway employes. There is, however, no need of this. There is a work for both to do in providing relief and insurance. The disabled employe needs the nursing and care which his order can give him, and he needs the definite financial aid that relief depart-

ments furnish. In the matter of life insurance the poorer employe will find contributions to the death benefits paid by the relief departments as great a financial burden as he can easily carry; but the employe receiving higher wages will gladly avail himself of the opportunity of increasing his life insurance by joining the mutual benefit department of his order. Should the railway relief departments increase in number and membership some such a division of the field as this would be the natural consequence.

The railway relief department is still a new institution. It has lived long enough to demonstrate its usefulness, although it has not yet been fully worked out. In its future evolution the institution may be relied upon to discover where changes will improve its utility. That it will thus grow and increase its power for good may be expected if its foundation principle is sound and its methods of work have been wisely chosen.

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## BRIEFER COMMUNICATIONS.

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### **THE RAILROAD COMMISSION OF CALIFORNIA. A STUDY IN IRRESPONSIBLE GOVERNMENT.**

The reason why political science is less rigorously exact than the natural sciences, is found in the difficulty of isolating its phenomena. Direct experiment being impossible, we must draw our conclusions from observing what goes on around us, and there is usually such a mixture of causes and effects to observe, that we can find plausible grounds for almost any sort of conclusion we please to extract. Hence the scientific value of those rare cases in which all complicating elements are removed, and we are allowed the privilege of studying reactions as simple and determinate as those the chemist produces in the laboratory.

The question whether our present system of government is really democratic or not, is one that must be answered by experience. The theory is that we elect to office men who hold certain ideas about public policies, allow them to serve for fixed terms, and then if they have not given satisfaction, elect others in their places. This plan is said to be democratic, because it is assumed that the wishes of the people will be reflected in the action of the men they elect, if not after the first election, certainly after the second. We know that there are a good many unsettled or unsatisfactorily settled questions before Congress, such as the subjects of silver and the tariff, notwithstanding the frequent recurrence of elections in which the people have been supposed to have a chance to express their desires; but it may be said, that these have been so confused by the number of other issues with which they have been mingled, that there has been no chance to secure an unmistakable, popular mandate and tell whether or not it has been carried out.

Here is the value of the Railroad Commission of California as an object lesson. There are no complications whatever here. We have a body, created sixteen years ago for one definite purpose, and frequently renewed, with its mandate unchanged. It is impossible to imagine a better test of the question, whether, with our political machinery, the people really govern. In tracing the history of this experiment I shall carefully refrain from discussing the merits of the railroad question in California. I shall express no opinions about the motives or the wisdom of the Railroad Commissioners. My purpose is simply to throw some light upon the question, how far the political

machinery in use in every State of the Union permits the matured wishes of the people to be carried into effect.

One of the chief considerations that led to the adoption of the new Constitution of California in 1879 was the popular desire to reduce and regulate the charges of the Central Pacific Railroad and its affiliated lines, now all controlled by the Southern Pacific Company. There had been discontent and agitation from the very beginning of the operation of the road. Each successive Legislature had been expected to do something, but the legislative machinery had shown its usual incapacity to deal with such matters, and each session had closed with nothing accomplished. At one time three Commissioners of Transportation were appointed, under an act afterward declared unconstitutional, and although they could do nothing but give advice, which the Legislature would not follow, their advice seemed so good that the people thought that the relegation of the whole railroad question to such a commission would prove a panacea for all the ills from which they believed themselves to be suffering. Accordingly, when the new constitution was framed, a Railroad Commission was created, with autocratic powers. It was to consist of three members, elected by districts for four years, after the first term, which was to end in three years. "Said Commissioners," said the Constitution, "shall have the power, and it shall be their duty, to establish rates of charges for the transportation of passengers and freight by railroad or other transportation companies, and publish the same from time to time with such changes as they may make." They were also to hear and determine complaints against transportation companies, and were invested with power to administer oaths, take testimony, compel the production of evidence and punish for contempt, "in the same manner and to the same extent as courts of record." Heavy penalties were to be imposed for any violation of the orders of the Commission, and it was provided that in all controversies, civil and criminal, the rates of fares and freights established by this body should be deemed conclusively just and reasonable, and that in any action against a corporation for damages sustained by charging excessive rates, the plaintiff, in addition to the actual damages, might, in the discretion of the judge or jury, recover exemplary damages. The compensation of the Commissioners was fixed by law at \$4000 a year.

The first election was held in 1879, and the Commissioners elect were divided among three parties. The first district elected Joseph H. Cone, a Republican. The Republican platform upon which Mr. Cone was nominated had this to say of the railroad question :

"That in the opinion of this Convention, justice demands the present rate of fares and freights on all lines in the State which have

received State or National aid ought to be reduced at least 25 per cent."

In the second district the successful candidate was C. J. Beerstecher, of the Workingmen's party. When Mr. Beerstecher had been nominated he had immediately taken the stringent pledges required by the convention that placed him in the field. The platform upon which he stood declared that "charges for freights and fares on railroads, and for the use of water, gas and all other necessities of civilized life that are monopolized, must be so regulated that there shall be no discrimination between persons and places, and that capital actually in railroad, water and gas rights should yield no greater income than capital invested in farming and other productive industries." The platform also announced the principle that "any official who shall violate the pledges given to secure his election should be punished as a felon." The candidates were furthermore required to take a pledge "that officers shall resign when called upon to do so by a convention called for that purpose in the jurisdiction in which they were elected."

The third district had elected General George Stoneman, who had made a popular record as a Commissioner of Transportation under the old law. General Stoneman was a Democrat, and also had the Workingmen's nomination. The Democratic position on the railroad question, as expressed in the party platform, was this:

"That the railroad and other transportation corporations in California should be subject to State regulation of rates for passage and freight, in order that a material reduction shall be made; that unjust and discriminating rates shall not be imposed or extorted, and that the enforcement of the reduction should particularly apply to the railroad which had been subsidized."

Thus the members of the first Railroad Commission were unanimously committed, apparently with a solid popular backing, to a material reduction in rates. The only one, however, who seriously attempted to carry out this policy was General Stoneman. The reports of the majority of the Commission were filled with apologies for the existing rates, comparisons between Californian and Eastern conditions showing that the Central Pacific was treating the public quite as well as could be expected under the circumstances, and dissertations upon the complexity of the railroad problem, the need for patient investigation and study, the duty of preserving a calm and judicial attitude of mind, and the iniquity of yielding to popular clamor. No reductions were ordered which the company was not prepared, as a matter of business policy, to grant without the interference of the Commission.

I repeat that it is not my purpose to express any opinion regarding the merits of this course. I am merely discussing the efficiency of our usual governmental machinery as a means of getting popular desires translated into action.

In 1882 a new election was held. Commissioners Cone and Beerstecher disappeared from politics and were never heard of again. The Workingmen's party passed out of existence. Commissioner Stoneman, who had attempted to meet the public expectations, was promoted to the Governorship. The Democrats elected all three of the new Commissioners as well as all the Members of Congress and all the State officers. Thus far the American theory of government had worked according to the accepted rules. Three parties had been tested; two of them had disappointed the public and had been turned out; the third had been rewarded for its observance of its pledges by a complete grant of power; officials who had failed to keep their promises had been retired to private life, and the one who had retained the public confidence had been advanced to a higher place. The effect of this consistent application of rewards and punishments, according to the theory, should have been the prompt execution of the popular will by the newly elected officials.

The Democratic platform upon which the new Railroad Commissioners were elected, contained the following transportation plank:

*"Resolved, That the railroad fares and freights should be materially reduced, discriminations in favor of localities or persons should be prohibited, and we condemn the majority of the Railroad Commissioners of this State for their faithlessness in the discharge of their official duties. The nominees of the Democratic party will, if elected, carry out in letter and spirit the declarations of this resolution, and relieve the people, to the extent of their jurisdiction, from the exactions and injustice now practiced with impunity by the railroad corporations."*

The three Commissioners elected on this platform were G. J. Carpenter, W. P. Humphreys and W. W. Foote. Soon after their nomination, they availed themselves of a ratification meeting in San Francisco to express their personal concurrence in the views of the convention. In a letter from Placerville, Mr. Carpenter wrote:

*"At the time of my nomination, I personally approved and endorsed the platform and resolutions adopted by the Democratic State Convention. Having read them carefully, I have regarded and now regard them as the latest and best declaration of Democratic principles, in their practical application to the living questions and imperative demands of the time. Thus regarded, for me, whether in private life or official station, they will be governing rules of action. Jeffersonian principles of government, made effective by Jacksonian firmness and fearlessness in their application, constitute the mode and measure of reform which the people at large are rightfully demanding*

When they shall have given effect to their demands by a popular verdict at the ballot box, the pledge of the candidate will be verified by the oath of the officer.—For myself, I again reiterate my pledge of adherence to the platform and resolutions, especially those relating to the important and responsible position for which I am a candidate. If elected, it will become and be my duty to justify the confidence reposed in me, by making my office, to the extent of my ability, subserve the constitutional objects of its creation. In my office as a member and Speaker of a California Assembly, I was brought face to face with some of the questions at issue between the people and the transportation companies. In the appointment of committees, in the votes as recorded, touching these questions, my attitude can be clearly traced. They were in harmony with the popular sentiments of the times; they provoked the bitter hostility of the railroad companies, and I have not done anything since to reconcile differences with the corporations, or to forfeit the confidence or good opinion of the public.”

At the same time Mr. Humphreys sent a letter in which he said, among other things:

“If I were to be guided by precedent, I would limit myself to a declaration that I favor the letter and spirit of the platform. However I reiterate the endorsement as expressed in my letter of June 27 to the State Central Committee. If I am elected, I shall endeavor to enforce the central idea embodied in the platform. So far as the Railroad Commission is concerned, I shall attempt to redress grievances, to prevent extortion and discrimination in the dealings between transportation companies and their patrons, whether as to persons or places, and to obtain such a modification and reduction of freight and passenger rates over the railways of the State as shall be just and equitable, and as shall meet the public expectation and approval. The convention at San José rejected resolutions looking to a general reduction of a specific percentage of freights and fares, and failed to act on another resolution, brought forward by some member, having for its object the ascertainment of the costs of roads and the adjustment of transportation charges, so as to allow the owners of the roads their operating expenses and a fair return for the use of the capital employed, not exceeding 6 per cent thereon. It seems to me that some such principle might have been properly engrafted on the platform. Had it been, it would have met my cordial approval. It suggests itself further that this idea furnishes a basis for a solution of a complicated problem, or rather, that upon that principle, a Railroad Commissioner may reach a scale of tariffs that will be just and relieve the public from the burdens and oppressions of which they now

complain. If I am elected, my first official efforts will proceed upon the theory here indicated, which I take to be in strict harmony with the anti-monopoly plank of the platform."

Mr. Foote expressed himself strongly to a similar effect, but as he did not subsequently change his views it is unnecessary to quote his expressions.

The Republican declarations on the railroad question were as decided as the Democratic. Thus the second Railroad Commission, like the first, took office, backed by an apparently unanimous popular demand for the reduction of fares and freights and the abolition of discriminations. But its career was a repetition of that of its predecessor. A minority of one—Mr. Foote—attempted to carry out the promises of the Democratic platform. The majority—Mr. Carpenter and Mr. Humphreys—followed the example set by Messrs. Cone and Beerstecher. Nominal reductions in rates, of a nature satisfactory to the company were ordered, and the reports of the Commission were turned into briefs in defence of the railroad and in denunciation of its opponents. Public feeling was so aroused that in 1884, Governor Stoneman called an extra session of the Legislature for the purpose, among other things, of submitting to the people a constitutional amendment changing the method of electing the Railroad Commission. As usual, the corporation found no difficulty in controlling the Legislature, although it had been elected as a distinctly anti-monopoly body, and nothing was done. The Democrats had entire possession of the State government, and when their State convention met in the same year, it formally read out of the party the various State officials and legislators who had aided the railroad. With regard to the majority of the Railroad Commission, it said :

"*Resolved*, That we are not unmindful of the conduct of certain Democratic officers and legislators who co-operated with the Republicans at the late extra session in frustrating the will of the people and antagonizing the true interests of the State. That while no amount of care can at all times prevent the intrusion into politics of faithless men, who enter with a false pledge upon their lips merely to ruin and betray—yet the party becomes responsible for the conduct of such recreant members only when, having discovered them, it fails to condemn their course ; that it is the duty of a party, if it be true to itself and the people, to expel from its ranks and denounce as unworthy of public trust and lost to all sense of honor, traitors and pledge-breakers. Therefore we do now denounce Railroad Commissioners Carpenter and Humphreys, who have broken their pledges with reference to freight and fare reductions."

The names of other condemned officials followed, and the convention recommended the adoption of constitutional amendment, vacating the places of the Railroad Commissioners, authorizing temporary appointments by the Governor to fill the vacancies, and providing for a new mode of election thereafter.



All this proved a waste of breath. The "read-out" officers showed no signs of contrition, and the subsequent reports of Commissioners Carpenter and Humphreys were blasts of defiance against the "demagogues" who continued to hold the same views on the railroad question which they had expressed before their election. They retained their places until the end of their terms, when they disappeared from view and were never heard of in politics again.

By this time the people had become weary of a futile agitation, which had been prolonged with little intermission for nearly twenty years, and settled into an apathy which lasted during the greater part of the next two terms. The Republicans controlled the Railroad Commission during this period, and the attempt to make it fulfill the purpose of its creation was frankly abandoned. But in 1894 the anti-monopoly spirit revived again, stimulated by the approaching maturity of the Pacific Railroad debts to the government, and by the time the Democratic State Convention met, it was blazing as hotly as ever. The Democratic platform was devoted almost exclusively to the railroad question. Upon the subject of local rates it said :

"WHEREAS, the State of California pays eighty per cent of the gross earnings of the Southern Pacific Railroad system, said gross earnings aggregating \$48,000,000 annually; therefore be it

"Resolved, That the charges for the transportation of freights in California by the Southern Pacific Company of Kentucky and its leased lines in California should be subjected to an average reduction of not less than twenty-five per cent, and we pledge our nominees for Railroad Commissioners to make this reduction, so justly demanded by the people.

"We pledge our candidates for the Railroad Commission to reduce the number of freight classifications one-half, and that during their term of office they shall pursue their official labor unhampered by the demand of any other business or avocation; and we further pledge them to initiate needed reforms in the freight schedules and classification without a formal complaint being filed."

On this platform the Democrats elected two out of the three new Railroad Commissioners. One of them, Mr. H. M. La Rue, had been known as a consistent and aggressive anti-monopolist since the first intrusion of the railroad question into the politics of California. In addition to the Democratic nomination, he had received that of the Traffic Association, an organization of merchants established expressly to secure better terms for shippers. He was also a member of the sub-committee which framed the railroad plank of the Democratic platform, and expressed his desire at the time for even greater reductions in rates than those which were promised. The other, Dr. J. I. Stanton, bound himself in the most explicit manner to carry out the promises of the platform, and the friend who placed him in nomination declared that it was his desire to give his life, if necessary, "to down the corporation."

For over seven months after taking office, the new Commissioners remained quiescent. Then Mr. La Rue introduced a resolution reducing rates on grain. Dr. Stanton joined the Republican Commissioner in opposing it, urging delay and investigation, and employing precisely the same arguments that had been advanced by Cone and Beerstecher fifteen years before. It seemed evident that for the rest of its term, the present Commission would consist of a minority of one in favor of reductions and a majority of two against them, just as in the case of its earliest predecessors. The pressure was so great, however, that Commissioners Stanton and Clark surprised the public by suddenly consenting to a reduction of 8 per cent in grain rates, which, with the previous reduction voluntarily made by the company, made a total cut of 18 or 19 per cent since last year's election. Mr. Stanton also proposed a resolution, which was adopted by his vote and that of Mr. La Rue, announcing the intention of the Board to reduce the rates on commodities in general 25 per cent, and work on such a revised schedule has been begun. Opinions differ as to the meaning of this change of attitude. As the railroad has taken advantage of the wording of the Stanton resolution to declare its determination to contest the proposed reductions in the courts, some assert that there never has been any intention of making reductions that could be enforced, while others hold that the Commission has acted in good faith.

However this may be the curious fact remains that a body created sixteen years ago for the sole purpose of curbing a single railroad corporation with a strong hand, was found to be uniformly, without a break, during all that period its apologist and defender. Not a single majority report has ever issued from the office of the Railroad Commission of a nature unsatisfactory to the company the Commission was established to control. Until September of the present year, the net result of the popular agitation for the new constitution in 1879, and of the various anti-monopoly agitations since, had been the creation of a new Southern Pacific literary bureau maintained at public expense. And nobody expects the future history of the Commission to differ from its past. The most sanguine believers in the sincerity of the present Commissioners do not regard the position they have just assumed as anything but an exceptional aberration. If it shall turn out that the company has no control over the majority of the present Board, it is universally believed that it will make no such slips with regard to their successors.

It may be that in this divergence between official conduct and popular expectations, the Commissioners have always been in the right. All I am concerned to point out here is that a system of

government under which the people find it impossible to secure the execution of their wishes, whether right or wrong, except at rare intervals, cannot, with strict accuracy, be called democratic. The value of this illustration lies in the fact that it is of general application. In every State and city, as well as in the nation, officers are elected for fixed terms and the voters have no further control of them or their actions. The theory is that responsibility is secured by the fact that the officials must come before the people for re-election at the ends of their terms, but it would be easy to multiply instances of the impotence of this form of regulation.

To recur to the illustration chosen as the subject of this paper, only one Railroad Commissioner in California has ever been re-elected, and his second election occurred in the middle of a period of profound discouragement and apathy, and in a district in which his party had normally an immense majority, which was still further strengthened by a "tidal wave" in the State. Yet the certainty of political extinction at the end of four years has had no deterrent effect upon officials with views opposed to those of the public.

The only thing that can insure the rule of the majority is continuous responsibility. The President can depend upon having his financial policy carried out by the Secretary of the Treasury, because, if the Secretary should attempt to set up his own views against those of his chief, he could be instantly removed. If the Railroad Commissioners of California, instead of being elected for four years, had been appointed by the Governor, to hold office during the pleasure of the appointing power, their policy could have been kept in harmony with that of the Governor. If the Governor had been subject to removal by the Legislature, he and all his subordinates would have had to be prepared at any time to meet legislative criticism. If, finally, every member of the Legislature had held his seat at the pleasure of his constituents, before whom he would have to justify his actions on demand upon pain of immediate recall, the people would have exercised a continuous and effective control over every branch of the government. If mistakes had been committed, they would have been the people's mistakes, and would have had an educating value which could not attach to the faults of irresponsible officials.

Democracy has many faults of its own to answer for, but it should not be charged with the misconduct of officials in America. It is precisely because our system of government is not democratic that the particular evils that are the favorite subjects for criticism have been able to exist.

S. E. MOFFETT.

*San Francisco.*

## PERSONAL NOTES.

### AMERICA.

**Chicago University.**—Mr. Carlos Carleton Closson has been appointed Instructor in Political Economy at the University of Chicago. He was born at Lawrence, Mass., on October 8, 1869, and in his youth attended the public schools of his native town. He then entered Phillips Academy at Andover, Mass., and afterward Harvard University. He graduated from Harvard in 1892 with the degree of A. B. He pursued graduate studies at Harvard for the ensuing three years, receiving in 1893 the degree of A. M. During 1892-93, Mr. Closson held a Paine Scholarship in Social Science, the next year he held a Paine Resident Fellowship in Social Science,\* and last year he held a non-resident Fellowship in Social Science.† He has written:

"*The Unemployed in American Cities.*" Quarterly Journal of Economics. Part I, January, 1894; Part II, July, 1894.

Dr. Oliver J. Thatcher‡ has been advanced to Associate Professor of History in the University Extension Department of Chicago University. Professor Thatcher will spend the coming year at work in Berlin, having a year's leave of absence. He has written together with Dr. Ferdinand Schwill:

"*A History of Europe During the Middle Ages*," which is now on press.

Mr. George E. Vincent§ has been advanced from Assistant to Instructor in Sociology at the University of Chicago. He has recently written:

"*A Scheme of Sociological Study.*" Education Review, December, 1894.

Mr. Charles Zeublin has been advanced to Assistant Professor of Sociology in the University Extension Department of the University of Chicago. Professor Zeublin was born on May 4, 1866, at Pendleton, Madison Co., Ind. His early education was obtained in public schools of Philadelphia. He entered the University of Pennsylvania with the Class of '85, but left after the Junior year. He went to the Northwestern University and graduated in 1887 with the degree of Ph. B.

\* See ANNALS, Vol. iv, p. 315, September, 1893.

† See ANNALS, Vol. v, p. 284, September, 1894.

‡ See ANNALS, Vol. iv, p. 648, January, 1894.

§ See ANNALS, Vol. v, p. 276, September, 1894.

In 1889 he received the degree of B. D. from Yale. From 1889 to 1891 he studied at the University of Leipzig. The year 1891-92 Mr. Zeublin was Secretary of the Chicago Society for University Extension and Resident-Secretary of the Northwestern University Settlement Association. The next year he became Instructor in History at the University of Chicago and Secretary of the Class Work and Examination Departments in the Extension Division. The summer of 1895 he spent in work in England.

Professor Zeublin is a member of the American Academy of Political and Social Science. He has written :

"*Ethics of the Jewish Question.*" International Journal of Ethics, July, 1892.

"*The Social Settlement in Judaism at the World's Parliament of Religions.*" Cincinnati, 1894.

"*The Chicago Ghetto.*" Chapter in "Hull House Maps and Papers." New York, 1895.

**Colgate University.**—Mr. Charles Worthen Spencer has been appointed Associate Professor of History and Political Economy at Colgate University, Hamilton, N. Y. Professor Spencer was born at Foxboro, Norfolk Co., Mass., on November 16, 1870. His early education was obtained in the public schools of his native place and of Waterville, Me., and at the Coburn Classical Institute of Waterville. In 1886 he entered Colby University and graduated in 1890 with the degree of A. B. From 1890 to 1892 he was Instructor in History and Science at the Hebron (Me.) Academy. The following two years he held an Honorary Fellowship in the Department of Social Science of the University of Chicago, and devoted his time to post-graduate study. He was also during 1893, Assistant in the Department of Charities and Corrections of the World's Columbian Exposition. During the past year Mr. Spencer continued his studies at Columbia College.

He is a member of the American Economic Association and has written:

"*Chicago as a Sociological Laboratory.*" Current Topics, April, 1893.

**Columbia College.**—Mr. Harry Alonzo Cushing has been appointed Prize Lecturer on History at Columbia College, and Assistant in History at Barnard College. Mr. Cushing was born at Lynn, Mass., on September 15, 1870. In his youth he attended the Boston Latin School and the Holyoke (Mass.) High School. In 1887 he entered Amherst College and graduated in 1891 with the degree of A. B. From 1891 to 1893 Mr. Cushing was Instructor in History and Latin at the Beloit

College Academy, Beloit, Wis. The past two years he spent in graduate study at Columbia College; during 1894-95 he held a University Fellowship in History.\* In 1894 Mr. Cushing received the degree of A. M. from Columbia.

He is a member of the American Academy of Political and Social Science and of the American Economic Association.

**Indiana University.**—Mr. Samuel Bannister Harding has been appointed Assistant Professor of European History at the University of Indiana. Mr. Harding was born on July 29, 1866, at Indianapolis, Ind. His early education was obtained in the public schools of that city. In 1887 he entered the University of Indiana and graduated in 1890 with the degree of A. B. A portion of the following year he spent in post-graduate study at Cornell. He left there in February, 1891, to become Teacher of History and Geography in the Workingman's School, conducted by the Society of Ethical Culture in New York City. After two years and a half in this school, he began in 1893 post-graduate study at Harvard and continued there until this year, receiving in 1894 the degree of A. M.

Professor Harding is a member of the American Historical Association. He has written:

"*The Minimum Principle in the Tariff of 1828 and its Recent Revival.*" ANNALS, July, 1895.

"*Party Struggles over the First Pennsylvania State Constitution, 1776-1790.*" Papers of the American Historical Association. (In press.)

Dr. Ulysses G. Weatherly has been appointed Assistant Professor of European and American History at Indiana University. He was born at Indianapolis on April 21, 1865, and obtained his early education in the public schools and at Pillsbury Academy. In 1886 he entered Colgate University and graduated in 1890 with the degree of A. B. He became Principal of Marathon Academy, N. Y., but left in 1891 to take up post-graduate work at Cornell (1891-93) and Heidelberg and Leipzig (1893-94). In 1894 Mr. Weatherly received the degree of Ph. D.† from Cornell. During the past year he was Instructor in History in the Philadelphia Central High School. He has written:

"*Louis VI., the Founder of the French Monarchy.*" Hamilton, N. Y., 1890.

"*Evolution as Related to Historical Studies.*" Madisonensis, May, 1892.

"*Lichtenstein, a Miniature European State.*" Cornell Magazine, March, 1894.

\* See ANNALS, Vol. v, p. 284, September, 1894.

† *Ibid.*, p. 282.

**Leland Stanford Jr. University.**—Professor Harry Huntington Powers,\* of Smith College, has been elected Professor of Economics at the Leland Stanford Jr. University. At the sixth annual meeting of the American Economic Association held at Chicago in September, 1893, he was chosen chairman of the Publication Committee of the American Economic Association, a position he still retains. He has recently written:

"*Terminology and the Sociological Conference.*" ANNALS, March, 1895.

"*Sociology in Schools and Colleges.*" Proceedings of the Conference of Charities and Correction. (In press.)

**University of Michigan.**—Mr. Jesse Francis Orton has been appointed Assistant in Political Economy at the University of Michigan. Mr. Orton was born at Lewiston, Niagara County, N. Y., on February 23, 1870. He attended public schools at Pekin and Lockport, N. Y., and Coldwater, Mich. In 1889 he entered the University of Michigan, remaining there during 1888-89 and 1891-93, and receiving in 1893 the degree of A. B. During 1893-94 Mr. Orton was engaged in private study and teaching in New York City. The past year he held a Fellowship in Political Economy and Finance† at Cornell University, and received in June, 1895, the degree of A. M. He has written:

"*Monetary Standards.*" Journal of Political Economy, June, 1895.

**University of Pennsylvania.**—Mr. Merrick Whitcomb has been appointed Instructor in European History at the University of Pennsylvania. Mr. Whitcomb was born January 10, 1859, at Nunda, Livingston County, N. Y., and prepared for college at the academy of his native place and the Chelsea (Mass.) high school. He graduated with the degree of A. B. from Harvard University in 1880, and has pursued graduate studies in history at Leipzig (1881-82); Johns Hopkins (1892-93), and the University of Pennsylvania (1893-94). In the past academic year, 1894-95, he was Instructor in History and Economics at the Highland Park Normal College, at Des Moines, Ia.

**Syracuse University.**—Professor John R. Commons‡ has been appointed to the Chair of Sociology at Syracuse University. He has recently written:

"*Proportional Representation.*" ANNALS, March, 1892.

"*Proportional Representation.*" Review of Reviews, December, 1892.

\* See ANNALS, Vol. iv, p. 165, July, 1893.

† See ANNALS, Vol. v, p. 234, September, 1894.

‡ See ANNALS, Vol. iii, p. 238, September, 1892.

"*Distribution of Wealth.*" Pp. 258. New York, 1893.

"*Social Reform and the Church.*" Pp. 176. New York, 1894.

"*State Supervision for Cities.*" ANNALS, May, 1895.

"*Progressive Individualism.*" American Magazine of Civics, July, 1895.

At the time of its organization (July, 1893), he was elected secretary of the American Institute of Christian Sociology.

**University of Tennessee.**—Mr. Charles Willard Turner, formerly Lecturer on History at the University of Tennessee, will hereafter have full charge of the work in History and Civil Government. Professor Turner was born on February 23, 1844, at Boston, Mass. His early education was obtained at the public schools of Newton, Mass. In 1861 he entered Amherst College and graduated in 1865 with the degree of A. B. In 1892 he received the degree of A. M. from Amherst. After leaving college he engaged in the practice of law in Boston, devoting his spare time to the study of history and institutions. During 1891 he spent five months in similar study at the British Museum and the London Guildhall. In 1892 he was appointed Associate Professor of Law in the Law Department of the University of Tennessee and in 1893 Lecturer on History in the Academic Department.

**University of Wisconsin.**—Dr. Edward David Jones has been appointed Assistant in Statistics and Economics at the University of Wisconsin. He was born at Oxford, Rock Co., Wis., on May 15, 1870. In his youth he attended the public schools of Oshkosh, Wis. In 1887 Mr. Jones entered Lawrence University at Appleton, Wis., where he remained two years. He entered, in 1889, the Ohio Wesleyan University at Delaware, O., and graduated in 1892 with the degree of B. S. The ensuing three years he spent in post-graduate study, first at the University of Wisconsin (1892-93), then at Halle and Berlin (1893-94), and finally at the University of Wisconsin (1894-95), from which institution he received the degree of Ph. D.\* in June, 1895. Dr. Jones has written:

"*The Relation of Economic Crises to Erroneous and Defective Legislation.*" Pp. 50. Transactions of the Wisconsin Academy of Sciences, Arts and Letters. Vol. X.

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IN ADDITION to those previously mentioned,† the following student received the degree of Doctor of Philosophy for work in political and social science and allied subjects during the past year :

\* See ANNALS, Vol. vi, p. 302, September, 1895.

† *Ibid.*, p. 300.



**University of Minnesota**—Elizabeth H. Avery, A. B., A. M. Thesis : *The Influence of French Immigration on the Political History of the United States.*

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IN ADDITION to those previously mentioned,\* the following appointment to a post-graduate scholarship has been made for the year 1895-96 :

**Dartmouth College**—*Scholarship in Political and Social Science*, Roland Eugene Stevens, A. B.

#### AUSTRIA.

**Vienna.**—Dr. Julius G. Landesberger has recently become Privat-docent for Political Economy at the University of Vienna. He was born March 4, 1865, at Lemberg, Galicia, and he received his early education at the Schotten gymnasium at Vienna. He studied law and political science at Vienna, 1882-86, at Strasburg, 1889, and at Berlin, 1892-93. In 1888 he secured the degree of Doctor Juris at the University of Vienna, and has since been engaged in the practice of the law. Dr. Landesberger is a member of the British Economic Association, the Verein für Sozialpolitik and the Gesellschaft der Volkswirthe in Vienna. Besides shorter essays in the *Zeitschrift für privat und öffentliches Recht*, the *Wiener Volkswirtschaftlichen Wochenschrift*, etc., he has written :

"*Ueber die geschichtliche Entwicklung des Rechtsstaates.*" Vienna, 1889.

"*Währungssystem und Relation*," Beiträge zur Währungsreform in Oesterreich-Ungarn." Pp. 192. Vienna, 1891.

"*Ueber die Goldprämienpolitik der Zettelbanken.*" Pp. 90. Vienna, 1892.

"*The German Silver Commission.*" Economic Journal, March, 1895.

#### ENGLAND.

**London.**—Friederich Engels, the distinguished socialist agitator and author, died at London, August 5, 1895. He was born at Barmen, November 28, 1820, and was engaged as a clerk from 1837-38 in Barmen, and from 1838-41 at Bremen. After discharging his military duties, he entered the business of his father at Manchester where he remained until 1844. From 1845-48 he lived in Brussels with Karl Marx, with long visits to Paris. From 1848 until May, 1849, he was connected with the *Neuen Rheinische Zeitung*, published at Cologne.

\* *Ibid.*, p. 303.

He took part in the South German uprising of the year 1849 as Adjutant of Willich's Volunteers. He then returned to London, but in 1850 entered anew his father's business house as clerk, becoming a partner in 1864, withdrawing in 1869. Since 1870 he has resided in London. His works are:

"*Umriss zu einer Kritik der Nationalökonomie.*" Deutsch-französischen Jahrbücher, Paris, 1844.

"*Die heilige Familie, oder Kritik der kritischen Kritik. Gegen Bruno Bauer und Konsorten.*" Von F. E. und K. (arl) M. (arx.) Frankfurt, 1844.

"*Die Lage der arbeitenden Klasse in England.*" Leipzig, 1845.

"*Manifesto of the Communist Party.*" Anon. with Marx 1848 (German, French, Italian, Spanish, Russian, Danish and Polish).

"*Po und Rhein*" (anon.). Berlin, 1859.

"*Savoyen, Nizza und Rhein*" (anon.). Berlin, 1860.

"*Die preussische Militärfrage und die deutsche Arbeiterpartei.*" Hamburg, 1865.

"*Der deutsche Bauernkrieg.*" Leipzig, 3d ed., 1875.

"*Zur Wohnungsfrage.*" 1st ed., Leipzig, 1872, 2d, Zürich, 1887.

"*Soziales aus Russland.*" Leipzig, 1875.

"*Preussischer Schnapps im deutschen Reichstag*" (anon.). Leipzig, 1876.

"*Die Bakunisten an der Arbeit. Denkschrift über den Aufstand in Spanien.*" Leipzig, 1874.

"*Herrn Eugen Dührings Umwälzung der Wissenschaft.*" 1st ed., Leipzig, 1878, 2d, Zürich, 1885.

"*Die Entwicklung des Sozialismus von der Utopie zur Wissenschaft.*" 1st, 2d, 3d ed., Zürich, 1883, 4th ed., Berlin, 1891. (Also in French, Russian, Polish, Italian, Spanish, Roumanian, Dutch and Danish.)

"*Der Ursprung der Familie, des Privateigenthums und des Staats.*" Im Anschluss an Lewis H. Morgan's Forschungen. Zürich, 1884, 4th ed., Stuttgart, 1891. (Also in French, Italian, Roumanian and Danish.)

"*Ludwig Feuerbach und der Ausgang der klassischen deutschen Philosophie.*" Stuttgart, 1888.

"*Die Auswärtige Politik des russischen Zarentums.*" Neue Zeit, VIII, 1889-90. (Also in Russian, English, French, Roumanian.)

"*Ueber den Bürgerkrieg in Frankreich.*" Neue Zeit, IX, 1890-91.

"*In Sachen Brentano contra Marx wegen angeblichen Citats-fälschung. Geschichtserzählung und Dokumente.*" Hamburg, 1891.

He edited also several editions of the works of Marx, furnishing prefaces to them and wrote in the English edition of his "Condition

of the Working Classes in England," published in New York, 1887, and an appendix on the "*Working Class Movement in America.*"

Mr. W. A. S. Hewins, who has been appointed Director of the London School of Economics and Political Science,\* was born 1865 at Wolverhampton, where he enjoyed his early education. In 1883 he was elected to the Sir Stephen Jenyns scholarship and in 1884 to a mathematical scholarship in Pembroke College, Oxford. In 1887 he secured his B. A., with first class in honors moderations, and second class in the final honor school of mathematics. In 1893 he received the degree of M. A. Since February, 1888, he has been a lecturer in the Oxford University Extension movement, and from 1888 to 1890 was the first Organizing Secretary of the Oxford Summer Meeting of University Extension Students. He is Lecturer on Economic History at Pembroke College, and in 1891 was Lecturer on Political Economy at University College, Bristol, while in 1895 he was appointed Lecturer on Sociology at Manchester College, Oxford. Mr. Hewins is a contributor to the *Economic Journal* and *Economic Review*, and has edited the "Whiteford Papers," letters and documents illustrating the literary and political history of the eighteenth century. He is now engaged in the preparation of "Select Documents Illustrating the State Regulation of Wages." His other writings are :

"*A History of the National Debt.*" Co-operative Annual, 1889.

"*English Trade and Finance in Seventeenth Century.*" 1892.

Biographies of Gerard Malques, Edward Misselden, Thomas Milles, Edward Vansittart Neale, William Newmarch, Richard Oastler, William Parr, William Patterson and many others in the "Dictionary of National Biography."

"*A History of Economics before Adam Smith,*" and other articles in the "Dictionary of Political Economy."

"*Industry and Commerce in the Fifteenth Century.*" Traill's "Social England."

"*History of Pauperism.*" *Ibid.*

#### GERMANY.

Berlin.—Dr. Rudolf von Gneist, Professor of Public Law at the University of Berlin, died July 22, 1895. He was born August 13, 1816, at Berlin, and had his preparatory education at the gymnasium of Eisleben. After pursuing legal studies at the University of Berlin during 1833-36 and securing the degree of Doctor Juris, he entered the judicial career. In 1844 he was appointed extraordinary, and in

\* See ANNALS, Vol. vi, p. 283, September, 1895.

1858 ordinary professor at the University of Berlin. In 1850 he abandoned his judicial duties to devote himself to his university career. He was a member of the Prussian Landtag from 1858 to 1893 and took a prominent part in the constitutional struggles of the decade 1860 to 1870. He contributed frequently to the periodical press, wrote a number of articles for the "*Rechtslexikon*," of Holtzendorff and the "*Staatslexikon*" of Bluntschli, and in connection with Dr. Victor Böhmert edited the periodical *Der Arbeiterfreund*. Professor von Gneist was the recipient of honorary degrees from the Universities of Berlin, Bonn and Cambridge. His principal works are:

"*Die formellen Verträge der neueren römischen Obligationsrechts.*" Berlin, 1845.

"*Ueber die Bildung der Geschworenengerichte.*" Berlin, 1849.

"*Adel und Ritterschaft in England.*" Berlin, 1853.

"*Englisches Verwaltungsrecht.*" Two Vols. Berlin, 1857-63. 3d edition in 1883.

"*Syntagma Institutionum.*" Leipzig, 1858.

"*Freie Advokatur.*" Berlin, 1867.

"*Die confessionnelle Schule.*" Berlin, 1869.

"*Verwaltung, Justiz, Rechtsweg.*" Berlin, 1869.

"*Die Selbstverwaltung der Volksschule.*" Berlin, 1869.

"*Die preussische Kreisordnung.*" Berlin, 1870.

"*Englisches Self-government.*" Berlin, 1871.

"*Der Rechtsstaat.*" Berlin, 1872.

"*Vier Fragen zur deutschen Strafprocessordnung.*" Berlin, 1875.

"*Gesetz und Budget.*" Berlin, 1879.

"*Zur Verwaltungsreform in Preussen.*" Leipzig, 1880.

"*Die preussische Finanzreform.*" Berlin, 1881.

"*Englische Verfassungsgeschichte.*" Berlin, 1882.

"*Das Englische Parlament in 100-jährigen Wandlungen.*" Berlin, 1885.

**Marburg.**—Professor Karl Rathgen,\* who was appointed Extraordinary Professor of Political Economy at Marburg in 1893, has recently been advanced to the grade of Ordinary Professor. The following is to be added to the bibliography, which has already appeared in the ANNALS:

"*Die Frage der Ländlichen Arbeiter und der inneren Kolonisation.*" Schmoller's Jahrbuch, 1864.

The celebrated historian of the German Empire, Dr. Heinrich von Sybel, the Director of the Prussian State Archives, died suddenly at Marburg on the first of August, 1895. He was born in Düsseldorf

\* See ANNALS, Vol. iv, p. 654, January, 1894.

December 2, 1817, studied history at Berlin, and in 1841 established himself as Privatdocent in Bonn, where in the same year he became Professor of History. In 1846 he was called to Marburg, in 1856 to Munich. In 1861 he returned to Bonn, where he remained until 1875, when he accepted the directorship of the Prussian State Archives. Professor von Sybel took an active part in politics, having been a member of the Hessian Diet, 1848-49, the *Erfurter Staatenhaus*, 1852, the Prussian Diet, 1862-64, 1870-80, and in 1867 of the Reichstag of the North German Confederation. In addition to the works below mentioned v. Sybel superintended the publication of the Prussian Archives, and the publication of the political correspondence of Frederick the Great. His greatest work on "The Foundation of the German Empire," was largely based on the material contained in the Prussian Archives. The last two supplementary volumes, however, do not contain any of this material, as the permission to use the archives was withdrawn after the retirement of Bismarck. His principal works are :

"*Die Entstehung des deutschen Königthum.*" Frankfurt, 1845.

"*Geschichte der Revolutionszeit von 1789 bis 1795.*" Düsseldorf, 1853-57.

"*Die Erhebung Europas gegen Napoleon.*" Munich, 1860.

"*Kleine historische Schriften.*" Two Vols. Munich, 1863-69.

"*Klerikale Politik im XIXten Jahrhundert.*" Bonn, 1874.

"*Die Begründung des deutschen Reiches unter Wilhelm I.*"

**Strassburg.**—Privatdocent Dr. George von Mayr\* has been appointed Ordinary Honorary Professor of Statistics at the University of Strassburg. In his *Allgemeine Statistisches Archiv*, Dr. von Mayr has in recent years published a large number of important articles. He has also published in book form :

"*Statistik und Gesellschaftslehre.*" Vol. I. "*Theoretische Statistik.*" Pp. 202. Freiburg, 1895.

\* See ANNALS, Vol. ii., p. 257, September, 1891.

## BOOK DEPARTMENT.

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### REVIEWS.

*Verfassung des deutschen Reichs, mit Einleitung und Kommentar.*

Von Dr. ADOLF ARNDT, Professor of Law in the University of Halle. Pp. 339. Berlin : J. Guttentag, 1895.

Professor Arndt has done the students of public law a substantial service in this edition of the German Federal Constitution. The book is divided into four parts ; the first consists of the text of the German Federal Constitution in its present form ; the second part contains a brief history of the foundation of the North German Confederation and the establishment of the German Empire, also a brief discussion of the constitutional nature of the German Empire, including the relation between the federal government and the individual States ; the third part contains a commentary upon the text of the federal constitution, taking up each clause separately in the order in which they stand in the instrument ; the fourth part contains a copy of the various treaties between the North German Confederation and the South German States in regard to their entrance into the North German Confederation and its conversion into the German Empire, followed by the text of the law of June 1, 1870, relating to federal and State citizenship.

A legal instrument like the federal constitution of Germany, which may be practically amended by a law containing no reference to the fact that it does change the constitution, is in special need of a careful commentary. The editor has in this case introduced into the body of the constitution the changes which have been made without any indication in the text, as printed at the beginning of the book, that such changes have been made, or of the time at which they were made. Thus, the constitution, as agreed upon in the first instance, enumerates the States which constituted the German Empire at the time of the adoption of the constitution. The editor adds the island of Heligoland which became a part of the German Empire December 15, 1890, and a part of Prussia February 18, 1891, and adds also the imperial territory Alsace-Lorraine. Article XXIV, defining the legislative period for which the Reichstag is chosen, provided originally that it should be for three years. This was altered by an amendment

to the constitution March 19, 1888, to five years. The text of Dr. Arndt gives five years with no indication that it had ever been anything else.

There are some conveniences, of course, in such an edition of the constitution, as one can tell exactly what provisions are in force at a given time without the difficulty of comparing the original wording of the text with the present wording; but it is on the whole an undesirable arrangement for the student of politics. It would have been much clearer to the foreign student if the original text had been printed, and then the changes made in the constitution by formal amendments to the instrument itself, and finally, the changes made in the instrument by laws which change its meaning, even though they are not, formally speaking, amendments to the instrument itself. Nor is the editor quite consistent with himself in the plan which he adopts, for when he comes to print the individual paragraphs, to be followed by notes and commentary, he allows the first article to stand as it was in the original instrument, whereas Article XXIV he prints with the modifications mentioned above. This procedure may be justified by the fact that the latter took the shape of a formal amendment, while the change in Article I was effected by treaty and laws which took no regard of the language of the federal instrument; but, in any case, it would have been much clearer if the reason for such a method had been given.

The comment of the editor upon Article V is interesting and significant. This article\* declares that "the legislative power of the empire shall be exercised by the Federal Council and the Diet. A majority of the votes of both bodies shall be necessary and sufficient for an imperial law." This would seem to imply, on the face of it, that if the two bodies agree upon a bill, this agreement should be equivalent to its passage. Professor Arndt takes the ground that this means nothing more than that such agreement shall be sufficient to determine the form of the bill, and that before it can become a law, the Federal Council must send the bill through the Imperial Chancellor to the Emperor, whose duty it is to prepare and publish the laws of the Empire,† and that the Federal Council need not send such a bill to the Emperor, even though it may have proposed the bill itself to the Reichstag, and the latter had accepted it without change. He seems to consider this act of sending the bill to the Emperor as the final sanction of the law, agreeing in this point with some of the most prominent German publicists. He does not allow,

\*Compare "Federal Constitution of Germany." Translated by EDMUND J. JAMES. Publications of the University of Pennsylvania, Philadelphia, 1890, p. 21.

†Compare Article XVII, James, "Federal Constitution," p. 25.

however, that the power of the Emperor to prepare and publish the laws of the empire, gives him any right to refuse to do so, and thereby practically exercise a veto upon imperial legislation.\*

Commenting upon the distribution of votes in the Federal Council among the various States, the editor introduces a quotation from a speech by Prince Bismarck in the Constitutional Diet of 1867. Prince Bismarck calls attention in that speech to the fact that in distributing these votes, there was a declared intention of disregarding entirely the element of population of the different States. This is a circumstance which foreign students of the German constitution find it hard to appreciate. Even such an authority as Professor Bryce states in his "American Commonwealth" (last edition), that the votes in the Federal Council are distributed among the States on the basis of population.

The peculiar character of the German federal constitution and the way in which agreements among the different States may determine the meaning of the instrument, are well illustrated by Article VIII relating to the committees of the Federal Council. This prescribes that the Emperor shall appoint the members of the committee on the Army and Fortifications, except that Bavaria shall have one member on that committee. This of itself is a peculiar feature, that a committee of a legislative body should be appointed by some authority outside of the body itself, or, that the right should be reserved to one of the States of always having a representative upon a given committee. But the Emperor, by military agreements with Saxony and Wurtemberg, has bound himself to give to each of these States also a representative on this committee, thereby limiting, through a private agreement his constitutional power as Emperor of Germany. There are many other illustrations of the same sort in the constitutional system of the empire.

The commentary of the editor upon the third clause in Article VIII is extremely unsatisfactory because it conveys no idea to one who does not know the fact, of the peculiar function of the committee on Foreign Affairs.

The editor's comment upon Article LXXVIII, relating to amendments to the constitution, is significant and characteristic. That article † declares that amendments to the constitution shall be made by legislative enactment; they shall be considered as rejected when fourteen votes are cast against them in the Federal Council. The author declares that by amendments to the constitution, are to be

\* See "The Constitutional Position of Prussia in the German Empire." By EDMUND J. JAMES. *Nation*, April 26, 1888, New York.

† Compare James, "Federal Constitution," p. 43.



understood only formal changes in the instrument itself; not changes in existing constitutional law. The latter kind of change may, it is to be presumed, be made by a simple law without any reference to the restrictive provision of this section. He also declares that the ceding to Prussia of administrative powers by the other States, is not to be considered a change in the constitution. Nor, is an agreement on the part of the Emperor, by which he binds himself toward individual States, to use his constitutional powers only in certain ways, to be considered a change in the constitution.

Professor Arndt implies that it is the business of the Emperor to decide whether a law changing the constitution, has been passed in the Federal Council by the requisite majority. If this is true, it practically gives to the Emperor a veto upon all legislation which he regards as in conflict with the constitution, and for which, in his opinion, the number of votes requisite for a constitutional change has not been cast, which seems to stand in conflict with the view mentioned above, that the Emperor has not a veto power.

The book will be found a useful addition to the literature relating to the imperial constitution of Germany. The author, in his brief discussion, shows a much greater familiarity with English and American constitutional law than most German authorities on public law.

EDMUND J. JAMES.

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*Life and Labour of the People in London.* Vols. V and VI.

Edited by CHARLES BOOTH. Pp. 416. Price, \$3 each. London and New York: Macmillan & Co., 1895.

Since the review of the second volume of this great work appeared in the *ANNALS*\* the matter contained in that and the preceding volume has been rearranged and published in four volumes, so that the present volumes, though numbered V and VI, are a direct continuation of the two volumes previously noticed. The first three books analyze and describe the population of the metropolis in respect to degree of poverty or wealth and the character of the homes, the fourth treats of East London Industries, while the fifth and sixth volumes, together with the seventh, which is soon to follow, analyze the whole population in respect to employment and conditions of labor.

After the introduction by the editor, each chapter of the two volumes before us is credited to one of Mr. Booth's assistants, of whom all but two were contributors to the preceding volumes. But the uniformity of style and method of treatment reveal the editor's

\* Vol. ii, p. 854, May, 1892.

directing hand throughout the work. Volume V describes (*a*) The Building Trades, (*b*) Wood Workers, (*c*) Metal Workers. Volume VI takes up (*a*) Precious Metals, Watches and Instruments, (*b*) Sundry Manufactures, (*c*) Printing and Paper Trades, and (*d*) The Textile Trades. These groups are made up of separate trades each of which is given detailed treatment in accord with the following schedule:

1. A diagram displaying the condition of the trade in respect to the ages of those employed.
2. A set of statistical tables giving the number of people connected with the trade by individuals and by families, analyzed according to sex, geographical location, birthplace, industrial status (employer or employed), and style of living (the number of rooms occupied or the number of servants employed).
3. A technical description of the trade and its subdivisions.
4. The conditions of employment.
5. Organization.
6. Wages.
7. Social condition.

The statistical studies are based for the most part upon the occupation returns of the census of 1891. The enumeration for the first time covered the number of rooms occupied by each household, and to insure accurate returns Mr. Booth took much personal care in seeing that the census enumerators were properly instructed in respect to the new schedules.

Mr. Booth's well-known classification of the people of London into categories named by the letters of the alphabet from A to H, was based upon the impression made by the character of the homes on the school board visitors and others. For the use of census enumerators some more palpable indication of economic standing was evidently required. In the present volume, therefore, we have a new classification of the population according to the number of rooms occupied on the part of the lower classes and the number of servants kept on the part of the upper classes, compared with the size of the families. This artificial test of economic and social standing is recognized as very fallible when applied to particular families, but variations off-set each other so that it is considered reliable when applied to large sections of municipal populations, and the results of the new enumeration are found to agree well with the former estimates of the social classes of London.

The detailed accounts of trade after trade are monotonous, yet full of interest, for every chapter gives a remarkably clear, reliable and evidently unbiased view of some branch of economic life in this

most important centre of population. All summaries and conclusions are reserved for the eighth volume.

The reader who is familiar with the modern manufacturing towns may be surprised to learn to what extent the small workshop persists in the great metropolis. In these small shops and in a few special trades the system of apprenticeship continues while giving way elsewhere to the demand for specialization and quick returns.

The high development and conservative character of the English trade unions is well known. The wage statistics give the actual earnings, with lost time deducted, and these earnings are compared with the social condition as indicated by the number of rooms and servants to the family. The comparison, however, is vitiated somewhat by the fact that wage returns were received from only representative establishments, while the social enumeration included the whole of the respective trades. The impression of a general living wage is given, though to the American reader the figures seem very small. The wage statistics would be much more valuable for comparison if accompanied by a schedule of retail prices, which would indicate their purchasing power.

On the whole, the new books maintain the standard of the preceding volumes as a source of information invaluable for its comprehensiveness and reliability. Besides the two more volumes announced to complete the Industrial Series, the editor has promised a thorough study of the organization and results of philanthropic effort in London. Social students throughout the world are eagerly watching the progress of the work.

DAVID I. GREEN.

*Hartford School of Sociology.*

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*Aspects of the Social Problem.* By Various Writers. Edited by BERNARD BOSANQUET. Pp. 334. Price, \$1.00. London and New York: Macmillan & Co., 1895.

This is a remarkable collection of essays and its compilation under the able editorship of Mr. Bosanquet, who is already well known to American readers and to some extent to American audiences since his visit to this country, will make it appeal to a large circle of seriously minded students of social problems. We are told that it is intended to combine trained observation in the social field with reasonable theory and to be available for the general reader, and that it is hoped that it will fill a gap in the literature of social reform. Stress is laid in the preface and throughout the individual essays, on the ethical element as a guiding principle in all social work. Of the eighteen essays included in this volume, Mr. Bosanquet has

contributed six, by far the most important, and all of them essentially theoretical in character.

Miss H. Dendy has contributed seven essays dealing largely with practical problems, such as "The Protection and Advancement of the Interests of Child-Life," "The Conditions of Marriage in East London," "The Position of Women in Industry," "The Question of Pensions for the Aged," and "The Methods of True Charity," and some discussion of the English poor law in its historical bearings. One of her papers on "The Industrial Residuum," will be remembered by readers of the *Economic Journal*, in which periodical it first appeared. All of Miss Dendy's work is instructive, and reflects the results of careful observation and calm judgment.

Mr. C. S. Loch, the enterprising secretary of the London Charity Organization Society, who always makes himself an authority on any subject on which he speaks, has contributed three papers to the volume in hand, dealing chiefly with the problems of pauperism and old age pensions, the controverted points in the administration of poor relief in England, and the debatable question of the use of statistics in dealing with this class of problems. Finally we have two essays by Mrs. M'Callum which treat of the protection of children, and some aspects of the social reform movement in general.

It is quite impossible in the space of this review to take up these papers singly and discuss them. The subjects, as I have indicated them, will suffice to show the wide range of material covered, and perhaps they need no further recommendation than the high encomium that they are all written by persons worthy of a hearing. The chief interest in the book seems to me to centre in the philosophical contributions of its editor. In the first two essays, Mr. Bosanquet discusses the duties of citizenship. He gives us a picture of the social life and interest of the ancient Greek municipalities, and draws in clear outline the contrast which our modern cities, with the diversified individual interests of their citizens present. The ethical claims of public life and the common good in our modern complex life, are well compared with the legitimate claims of private and individual interests to which we all owe allegiance. These essays might have been better named "The Spirit of Citizenship," and they are destined to further the highest ideal of civic responsibility, to help to strengthen social concepts by the stress laid on character.

It is in the third essay, however, that Mr. Bosanquet treats of this idea more fully, under the title, "Character in its Bearing on Social Causation." Here the evolutionary bearing of relief work, when viewed in the interests of our common society, is discussed with

admirable clearness. All reflective persons are called upon to meet this issue at almost every step in extending charitable relief. In how far are we defeating the wise purpose of natural selection when we try to hold up those persons, who, by their lack of the qualities that would enable them to become efficient members of a progressive society, are condemned by this unsympathetic law to perish? The familiar problem of a person who refuses to accept public and institutional relief, in a case where the individual in question seems to lack all the qualities that would make private relief anything else than a means of prolonging and maintaining unhealthy conditions, is discussed in all its bearings. Mr. Bosanquet thinks that there is a point at which the private almoner should stop and refuse to give any further relief, because of the lack of those moral qualities or of that moral character which would promise a reasonable hope of cure, and that in such cases if the recipients refuse to accept public relief in its regular channels, they should be left to the consequences of that choice.

In two further essays on "Socialism and Natural Selection," and "The Principle of Private Property," Mr. Bosanquet states the decision of a calm, but not unsympathetic individualist, and in the closing essay of the book on "The Reality of the General Will," he makes a remarkable psychological contribution to the vexed problem in sociological theory of the existence and determination of a social mind. Briefly stated, his idea is that a social will exists, not as a sum of the individual wills although existing in individual minds; but as something which individual wills have in common and as a result of a common experience, of a common history, of a common reaction, upon a common environment. He claims that the social mind is only partially self-conscious, and that individuals can never be fully cognizant of its character and tendencies. It is more than that which is expressed in a public vote on any question; it is more than that thing which is expressed by public opinion in general, and also more than the *de facto* tendency that is shown in the actions of members of the community, though it is much more like this than like either of the other concepts. In this essay is to be found a real contribution to sociological theory that furnishes food for much reflection.

S. M. LINDSAY.

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*The Writings of Thomas Paine*, collected and edited by MONCURE D. CONWAY, with introduction and notes. Vol. I, 1774-1779, pp. vii, 445; Vol. II, 1779-1792, pp. 523; Vol. III, 1791-1804, pp. xv, 436. Price, per volume, \$2.50. New York and London: G. P. Putnam's Sons, 1894, 1895.

Mr. Conway set himself an herculean task a few years since when in his two volume biography he attempted to right the wrong which for a century past has been done, the life and deeds and memory of Thomas Paine. Heroically and laboriously he performed it, searching diligently in the archives of England, France and the United States for records of Paine's multifarious doings. His thorough-going labors and tireless devotion produced a "Life" which, to all who will but read, must forever set at naught the many traditional calumnies and asperities that ignorance, prejudice, and time have heaped upon the name of one of America's most eminent patriots and statesmen, and one of humanity's most prescient friends and philosophers. Mr. Conway has done an equally great service toward rescuing the name of Paine from infamy and restoring it to its proper place among the great thinkers and benefactors of human kind in bringing out this complete, definitive edition of his writings, which the Messrs. Putnam have had the courage to publish. One cannot read the many masterly compositions contained in these volumes without becoming convinced that the heart of him who could pen such splendid appeals and construct such cogent arguments for the rights of his fellow man, was good, and true to what reason and conscience told him ought to be. The effect of his writings upon contemporary thought and action, political and otherwise, in England, France and this country, was simply tremendous. No one man ever before wielded over the mind of his generation in so wide and diverse an area, such a power by means of his pen alone, as did Thomas Paine,—except possibly Voltaire. His more notable works, such as "Common Sense," "The American Crisis," "The Rights of Man," were printed in astonishing numbers; the copies of "Rights of Man" circulating in Europe and America amounting to nearly five hundred thousand; this too, in days when book-making was a slow-going process, when type-setting machines, electrotyping and steam printing presses were undreamed of possibilities. Mr. Conway is fully warranted in saying that, "It is not creditable that the world has had to wait so long for a complete edition of writings which excited the gratitude and admiration of the founders of republican liberty in America and Europe."

Several editions of his more important political and religious writings have appeared during the century, but no courageous and at the same time competent publishers, he claims, have brought out an edition containing all of his minor and miscellaneous works. The present edition (to be complete in four volumes) will contain all that Mr. Conway's indefatigable labors in Europe and this country have been able to discover in old papers, magazines, journals,

libraries and State archives. To summarize briefly the contents of the three volumes before us: Volume I contains all of his early political essays and pamphlets published between 1774 and 1779, among them being the famous "Common Sense" and "The American Crisis." Mr. Conway should have noted that half of the numbers of the "Crisis" were published after 1779, continuing up to December, 1783. The opening essay, "African Slavery in America," is remarkably significant of the staunch radicalism which Paine ever displayed throughout his life. In it he denounces the "unnatural" trade in men and unreservedly advocates the abolition of slavery. The editor claims for him the distinction of the first American abolitionist. Following this essay we have a number of papers, among which we may mention "The Magazine in America," "Reflections on the Life and Death of Lord Clive," "Cupid and Hymen," and "Reflections on Unhappy Marriages," in which one will find some acute and helpful observations; "Reflections on Titles," "Thoughts on Defensive War," and "Dwelling;" and the letters and tracts relating to his exposure of the nefarious doings of Silas Deane. He pronounces judgment against titles and the "gothic and absurd" custom of dwelling. In Volume II, 1779-1792, we find Paine's "Letter to the Abbe Raynal;" "Dissertations on Government," "The Affairs of the Bank, and Paper Money," "Prospects on the Rubicon," and "The Rights of Man." Among the minor papers of importance are to be mentioned "Peace and the Newfoundland Fisheries," "Emancipation of Slaves," "Public Good," and "Thomas Paine's Answer to Four Questions on the Legislative and Executive Powers."

The table of contents for Volume III, 1792-1804, comprises a most miscellaneous collection of papers and pamphlets. The first hundred pages are given up to letters, replies, rejoinders and addresses growing out of his prosecution by the English government for publishing "The Rights of Man." Following these we have Paine's three speeches to the French Convention in which he urges the trial of Louis XVI. and his expulsion from France. After his conviction Paine courageously protested against his execution, and so effective was his appeal, here given, that Louis' death was decreed by only a meagre majority. Among the titles following are to be found the "Declaration of Rights," written by Paine in conjunction with Condorcet, both of whom were delegated by the French Convention to draft a constitution; and the "Letter to Danton," discovered by the historian Paine, who says of it, "Compared with the speeches and writings of the times, it produces the strangest effect by its practical good sense." Titles XXI and XXII are Paine's lengthy "Memorial to Monroe," and his "Letter to George Washington"

upon his imprisonment in the Luxembourg prison during the Reign of Terror. He escaped the guillotine by the merest chance and suffered the greatest deprivations during his incarceration. He accuses Monroe of deliberately refusing to use his influence as American ambassador to secure his release, and actually conniving at his imprisonment; and Mr. Conway backs up Paine's severe indictment by numerous proofs of Monroe's duplicity. The letter to Washington arraigns in bitter language his old-time friend for criminal forgetfulness and negligence when the author of "Common Sense" and "The American Crisis," was languishing in a French prison in imminent danger of his life. The remainder of this volume is taken up with a number of tracts and dissertations of the greatest interest and importance to students of political philosophy, economic thought, and constitutional government. Some of Paine's best thinking and writing will be found in them. The chief ones are, "Dissertation on First Principles of Government," "The Constitution of 1795," a speech, "The Decline and Fall of the English System of Finance," "Agrarian Justice," "The Eighteenth Fructidor," "Thomas Paine to the Citizens of the United States," a series of letters bearing upon the political situation in 1802 and 1803, and "To the French Inhabitants of Louisiana."

The name and fame of the author of the "Rights of Man" have for so long been clouded by the fogs of odium theologicum that few, if any outside of special students of political philosophy, know that Thomas Paine's life and labors were devoted almost entirely to the promotion and establishment of civil and political liberty and constitutional government. These three volumes are proof enough of this statement. Three out of the four volumes that will contain all of his works, are given up to his political writings, and there remain still more that will take up a part of the fourth volume. In these we find not a scrap or shred of his traditional views on religious matters. In truth, we might judge him strictly orthodox from a reading of these volumes. The students of political theories will find these works of Paine invaluable in their efforts to trace and understand the development of the world's thought on the interesting and important subjects of social progress, the relation of government to society and to individuals and the rise of self-conscious constitutional government. But Paine is to be studied, not only because he clearly reflects the thoughts and longings of a great part of mankind at one of the most momentous periods of the world's history, but for the intrinsic worth of his writings themselves. Some of his plans and proposals for popular government, it is true, were too radical and too oblivious of the absence of certain fundamental political



conditions for them to succeed. But one will find him an eminently conservative thinker at a time when men's minds ran riot in the wildest dreams of "liberty, fraternity and equality," and the perfectibility of mankind. We will search political annals long for a clearer-headed thinker and a more powerful expounder of political theory. He was a keen dialectician as we may see in his celebrated reply to Burke, and he reasoned with unerring accuracy from the premises, generally well founded and comprehensive, which he took. He enforced his conclusions with a vigor and strength of style that has seldom been attained in political writing. The only writer that compares with him is Swift. Paine has the same simple, direct style; forceful, satirical and caustic; at times humorous and witty; here burning with the clear, dry light of cool reason, there blazing with hot indignation at the wrongs and iniquities his sharp, swift-moving pen describes; all qualities that characterize the writings of the great Dean of St. Patrick's.

The thought that will very soon come to the mind of the careful reader of these volumes and impress itself more and more strongly upon him is the close relationship between Paine's theories and modes of thought with a great deal that we have been wont to regard as very recent in its origin. The terms, phrases, ways of stating his subject and points of view are modern and of present day currency. In "Common Sense," he insists upon the inevitable drift of American affairs away from British connection and control in arguments that Professor Goldwin Smith has been emphasizing for a quarter of a century past. His arguments against slavery have the ring of our recent abolitionism. In his "Decline and Fall of the English System of Finance," Paine points out the futility of Pitt's funding scheme, which we have but recently come to appreciate, arraying the arguments against it that Professor H. C. Adams uses in his admirable essay on "Public Debts."

He argues for old age pensions in much the same way that certain well-known English writers and politicians advocate them at the present time. Paine would probably be dubbed a "gold bug" were he alive in these days, denouncing, as he did at all times, fiat paper money and all tinkering with the stability of the currency of the country. He early pointed out the necessity for a stable union of the struggling States under the Confederation. In "Agrarian Justice," he urges with great force the state appropriation of "the unearned increment," in language that anticipates the discussions of Mill and Spencer as to the value of land due to the shifting and increase of population and the relation and rights of the community to the soil of the present owners. Paine further precedes Spencer in

stating clearly the law of equal freedom as the fundamental rule of social life and progress, and the necessary connection between the fulfillment of duties and the possession of rights. Space does not permit me more than to call attention to these matters of interest. At some future time I hope to be able to discuss them more at length.

FRANK I. HERRIOTT.

*Iowa College, Grinnell, Ia.*

*Studies in American Education.* By ALBERT BUSHNELL HART, Ph. D. Pp. 150. Price, \$1.25. New York: Longmans, Green & Co., 1895.

*Essays in American History.* By HENRY FERGUSON, M. A. Pp. 211. New York: James Pott & Co., 1894.

The volume by Dr. Hart consists of a series of six essays upon the live questions which face the educational worker in this country at the present time. These essays, previously issued as magazine articles, are based upon the two thoughts: "That education is substantially one from beginning to end, so that the same or similar methods may be applied throughout; and that teachers of every grade and subject have common interests and may learn from each other." The work of the committees, appointed on the recommendation of the National Educational Association for the purpose of considering the problems in secondary schools, has done much to turn the thoughts of educators toward the necessary inter-relationship existing between all grades and all branches of knowledge. Dr. Hart, by his service in the Cambridge School Committee, is prepared to note the practical difficulties of primary and of secondary education. The problems discussed with much fairness are those of interest alike to college professors, superintendents of schools, boards of education and parents.

"Has the teacher a profession?" First, how far teachers practice a profession; second, how far they are recognized as experts; and third, what may be done to improve the profession? The marks of a profession are: "That it should be a permanent calling taken up as a life-work; that it should require special and intellectual training; and that there should be among its members a feeling of common interest and some organization." He notes the tendency on the part of people in general, and with some reason it may be said, to regard teachers as theorists, as mere encyclopedias of learning. "Congress looks upon the scientific men in the Smithsonian and instructors in government schools as persons to take orders and not to make suggestions."

Teachers who may have failed to see the original article on "Reform in the Grammar Schools" will welcome this careful analysis of

the Cambridge experience. By this plan it is hoped that the time spent in the grammar schools will be five years or less. The plan varying the course so that the bright pupils were put into studies they were able to pursue, abolishing reviews and term examinations connected therewith and simplifying the study of grammar, saved for the pupils time which might be used to advantage in other ways.

One of the most suggestive of the essays is "University Participation—A Substitute for University Extension." The author sets forth what is feasible to colleges in securing the better instruction of teachers actually engaged in the work and describes the plan for courses, to this end, offered by Harvard. A cardinal difference between these courses and the "Teachers' Institute" is that "an essential feature of university participation is to get a return in work and thought from the teachers themselves while the main function of the institute is to stimulate, to suggest." While University Extension may not in every instance have justified its name the failures scarcely warrant Dr. Hart in making his criticisms of the movement. Does an intimate acquaintance with the system justify the following? "When one hears of staff lecturers, one sighs for a school extension system to teach the instructors, for a staff lecturer is a person whom no university authorizes to teach its own students, but who is supposed to carry university instruction to others outside. Such a system is nothing more nor less than a lecture bureau conducted on semi-charitable principles." The substance of the volume is to be found in these three essays.

Of the remaining three articles, "How to Study History" has been presented on different occasions by the same author. "How to Teach History in Secondary Schools," besides insisting on the necessity of every school having a good reference library "convenient and accessible every day and all day" explains the use of the topical method. "The Status of Athletics in American Colleges," presents in a satisfactory manner the chief arguments for and against the prevailing systems.

The purpose of Professor Ferguson's volume of essays, as made known in the preface, is to throw light on some subjects in our history "which have been sometimes left in the shadow." He believes the tendency of the early historians of the United States was to dwell almost exclusively on the bright side of colonial life.

The sources used have been seemingly fairly interpreted. Some question arises in the mind of the reader, however, when he notes the character of Sir Edmund Andros. "Stern and proud and compromising" he was beyond doubt. But that he was "honest, upright and just, and a friend to the best interests of the people whom

he governed" cannot be seconded. The reasoning is well sustained throughout but does not suffice to overcome the old-time judgment—that sanctioned by Johnston, Fiske and other historians of note.

The story of the Quakers of New England is told in a vivid and vigorous manner. The Puritans are charged with having an illegal and unconstitutional government that denied them, in a manner most un-American, the rights of all Englishmen. The essay on "Witches" shows that the tendency of man, like that of other animals, is to revert to original types in lower grades. In the "Loyalists" the author indicates that many of the so-called traitors were acting in all good conscience and would make Americans of worth to-day.

J. A. JAMES.

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*Evolution and Effort and their Relation to Religion and Politics.*

By EDMOND KELLY, M. A., F. G. S. Pp. ix, 297. Price, \$1.25. New York : D. Appleton & Co., 1895.

Mr. Kelly has set himself in this little volume of essays, for the single chapters savor rather of a collection of essays than of connected parts of a well worked-out treatise, a very interesting but an exceedingly difficult task. Evolution is of course the watchword in all scientific work of our age, and has made itself felt of late in a peculiarly forcible manner in all social studies. Evolutional philosophy has been exceedingly helpful in all fields where it has been applied by its general suggestiveness in extending the horizon of investigation. More especially is this true in social science where it has cleared up many inexplicable relations previously observed among social phenomena, but it has invariably introduced more problems than it has solved, and has rather unsettled than helped to solve the ethical side of social questions. Ethics, economics and sociology are closely related and interwoven sciences, but beyond the discovery of this fact little has been done that helps us to say how they are related. Mr. Spencer's great system was least productive where most was expected—in his volume on ethics—and he is largely responsible for the determinism introduced in social science by telling us that man's efforts to ameliorate social conditions were more apt to work harm than good, and leading us to believe that faith in the principle of social selection and a large measure of *laissez-faire* would bring us to the desired haven of social peace. The drift of current thought is away from Mr. Spencer at this point and yet in spite of the fact that the results

of "effort" are exaggerated in many quarters, *e. g.* the socialists of all types, and the teachings of evolution ignored, the poison of determinism has entered a destructive wedge in the work of the more thoughtful and influential leaders in social philosophy.

Mr. Kelly makes a good start in a good cause, and if his very readable book arouses more serious work on the part of those better qualified to speak on the wide range of special topics he introduces and suggests, it will have accomplished a worthy end. He recognizes at the outset and does not lose sight of the fact that evolution means development and nothing more, and that its laws can, at most, show us what we may expect provided we know the conditions with which we start. The developments within the limits prescribed by those conditions may be retrogression instead of progress. We think of evolution too often merely as progress because in the biological world this has been true in a vast number of observations, but in the world of social phenomena man has certainly demonstrated his ability to choose to the extent that he has at times gone backward rather than forward. Human choice, whether defended or denied philosophically in the ultimate analysis, certainly is a factor of no mean proportions in determining immediate social welfare. So much Mr. Kelly states clearly and illustrates fully. He attempts more: He would prove it to be the determining factor in social selection able to defeat the ends of natural selection which placed man at the head of the predatory system, but having once placed him there would, if unchecked, have worked his ruin. Man has, however, converted fear into reverence, passion into love and ferocity into courage, and has by intelligence and choice oftentimes opposed the forces of evolution, and is no longer automatically developed by blind processes, but is himself directing the forces of evolution. This, at least, is Mr. Kelly's thesis, which he tries to establish from a hasty review of the more or less well-known facts drawn from recent experience in the problems of Church and State, municipal misgovernment, pauperism, socialism, education and party government, to each of which topics a chapter of the book is devoted. A well-informed student will find in them, however, no new contribution to the literature of these topics, except in so far as the use that is made of familiar material is new to him.

Mr. Kelly makes much of religion as a social force, but his discussions of the historic and scientific view of religion and its conflict with science to which three chapters and parts of others are devoted, are less happy than the other portions of the book, and his conclusions lack the force and ethical vigor that characterizes many of his other suggestions. The general reader interested in social and

philosophical topics will find the book entertaining and suggestive, and special students will sympathize with the aims of the author rather than be satisfied with his arguments or greatly profited by his instruction.

S. M. LINDSAY.

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*The Winning of the West.* By THEODORE ROOSEVELT. Pp. 339. Price, \$2.50. New York and London: G. P. Putnam's Sons, 1894.

The present is the third volume of the series in which Mr. Roosevelt has undertaken to tell the story of the invasion and taming of the western wilderness, the driving back of the Indian possessors, and the erection of free governments on the soil thus wrested at great expense of blood and treasure from the hands of the savage. The first two volumes, "From the Alleghanies to the Mississippi," 1769-1776, 1777-1783, deal with the explorations and conquest of the territory, its relations to the Americans in the struggle against Great Britain and the events of the earlier period. The third volume has for its specific sub-title, "The Founding of the Trans-Alleghany Commonwealths," 1783-1790, from the end of the Revolution when men were able to turn their attention from a foreign foe to organization and development on the frontier, to the time when Kentucky was ready for admission into the Union, and Tennessee had been organized as the Southwest Territory.

The volume devotes a chapter to each of the important topics: The inrush of settlers after the Revolution and the Indian wars, the navigation of the Mississippi and the separatist movements, the State of Franklin, Kentucky's struggle for Statehood, the Northwest Territory, the war in the Northwest, the Southwest Territory. The chapter on the navigation of the Mississippi, as the one of the greatest and most lasting importance, commands more space than any other.

Since the publication of the first two volumes, the large and immensely rich collections of Lyman C. Draper have become available and are extensively used. The present volume is based even more largely on MSS. materials, than the two preceding ones. These sources have enabled the author to present some facts that are new to most students of southwestern history, and which will cause the Tennessean to abate a part at least of that hero worship which he has paid for the last eighty years to the memory of John Sevier, for Sevier was among those who held correspondence with Gardoqui, the Spanish minister to the United States, on the subject of an alliance between the Westerners and Spain. This correspondence was not occasioned, as was that of Wilkinson, Sebastian and others,

because of their desire to secure the navigation of the Mississippi. It was the result of the fall of his pseudo State of Franklin, which had been overthrown by the influence of North Carolina and it was against that State that his anger was now aroused. He importuned Gardoqui for money and military aid; he assured him that the best people of Franklin were anxious to enter into an alliance with, and secure commercial concessions from Spain. But the proposition came to nothing as had the schemes of separation in Kentucky; and North Carolina, when she arrested Sevier for treason, was none the wiser concerning his correspondence with the Spaniard. The revelation is now made on the unimpeachable evidence of the Gardoqui MSS.

The author deals, in the main, with principles and characteristics. He does not go to any great extent into the details of the border wars; had such been his object he might have filled several volumes with the bloody tales of Indian savagery. A few stories are made to serve as representatives of the whole, long and bloody as it was. The strength of the work lies in the constant cropping out of the author's own participation in the border life of the present day. From his own experience, example after example is drawn to illustrate situations that occurred in Kentucky and Tennessee a hundred years before. It is this experience, perhaps, drawn from the author's life among the Indians as they appear to-day, that causes him to mince no words and waste no idle sympathy on the treatment which the savage received: "It is idle to dispute about the rights or wrongs of the contest. Two peoples, in two stages of culture which were separated by untold ages, stood face to face; one or the other had to perish: and the whites went forward from sheer necessity" (p. 326). There is no mistaking the tone of these sentences. It is but the expression of the inborn sentiment of the race and one on which it has always acted. The Anglo-Saxon never takes an alien as an equal partner in the government of his lands unless he can assimilate him. If this cannot be done, he suffers him to exist for a time—as the negro has been suffered to exist—because he has been able to take on some degree of Anglo-Saxon civilization; when he fails to do this he is crushed as the Indian has been crushed.

The adoption of the Federal Constitution was even of more importance, if possible, to the people of the West than to those of the East, and the influence of the Federal Union on the shaping and final destiny of these settlements is clearly traced; but they, like the other Southern States, were strongly local in their tendencies and had steadily opposed strengthening the bonds of the old Confederation. This had made possible the separatist movements which

threatened from time to time to cut off this territory from the new government on the coast and in this way to limit the western expansion of the American Republic. The author is a firm believer that the nation was evolved when the nine States ratified the constitution: "Seven years after the war ended, the constitution went into effect, and the United States became in truth a nation" (p. 94), a statement which all students of American growth and development will not be ready to accept as it stands.

The differences between the old Northwest and the Southwest are clearly characterized. The former was won by the armies of the Union, and was organized on a well defined and distinct principle. The Southwest owes little to the military arm of the older States. It was wrested from the savages by the prowess of individual pioneers who settled on the Indian lands and with their arms defended even unto death the lands which they had taken. The land to the north of the Ohio represents the spirit of collectivism; the land to the south the spirit of individualism. The north was surveyed and plotted after a definite fashion; the south was left to itself to get surveys on top of surveys as each settler saw fit or had the ability to put them through.

With Sevier and his pseudo State of Franklin the author has little patience, for his sympathies are strongly on the side of the centralization of power. He fails, perhaps, to appreciate fully the really wholesome fear with which Anti-Federalists in the South regarded the tendencies of the times. This separatist movement made itself felt in all parts of the country south of the Ohio, but only in this one instance was the trial of secession made, although Colonel Arthur Campbell did his utmost to draw off Southwest Virginia after the ignis fatuus of union with Franklin. The separatist leaders do not come out with flying colors in this undertaking and the whole history of the "wild little State" is not far from disreputable. But it is hardly accurate, the reviewer thinks, to give the chief position of opposition to Franklin, to Colonel Tipton, although the books have been unanimous on that point. Tipton can hardly claim priority, even in his opposition.

It is amusing to note how cavalierly the author treats the work of some persons who have written on the same general topic. He is particularly severe on one: "In my first two volumes I have discussed, once for all, the worth of Gilmore's 'histories' of Sevier and Robertson and their times. It is unnecessary further to consider a single statement they contain" (p. 202). As the reviewer has had occasion to find out for himself, the above criticism is as just as it is severe. The proof-reading is not always good. Thus on page 263



Sciato appears for Scioto; the historian Gayarre masquerades as Guyarre (p. 143); Floridablanca appears on page 129 as Florida Blanca, and by a curious oversight in the table of contents the duration of the Southwest Territory is made to last from 1788 to 1890. It is possible also that the career of the State of West Florida, although much shorter than Franklin, lasting only from September 23 to December 6, 1810, is enough like that of the latter to forbid the use of the term "unique." But these are small matters; the book is of great interest and of permanent value.

STEPHEN B. WEEKS.

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*The Life and Writings of Turgot.* By W. WALKER STEPHENS. Pp. xiv, 331. Price, \$4.50. New York and London: Longmans, Green & Co., 1895.

*Life of Adam Smith.* By JOHN RAE. Pp. xv, 449. Price, \$4.00. New York and London: Macmillan & Co., 1895.

Turgot and Adam Smith divide between them the honor of having raised political economy to the dignity of a systematic science. For this reason it is peculiarly gratifying to signal the almost simultaneous appearance of such competent biographies of these illustrious economists as those under review. Of the two, Turgot was the younger man, having been born in 1727, four years later than Smith, and yet he is naturally thought of as the older economist. He wrote his first essay on political economy ("On Paper-money") in 1749 and his most important economic work in 1766. At this time Adam Smith had not yet published anything upon the subject with which his name is now so closely associated, and his first essay in the economic field was at the same time his whole contribution to the science, the "Wealth of Nations," printed in 1776. In considering the lives of these two contemporaries it seems natural therefore to turn to that of Turgot first.

In his introduction Stephens reminds us, that, considering Turgot's importance as a political economist and practical statesman, comparatively little has been written about him in English. Condorcet's *Life*, translated in 1787, has long been too scarce to happen within the reach of the ordinary student, while the essay on Turgot by John Morley and Léon Say's *Life* (translated in 1888), are too condensed to exhaust the subject. There was therefore a real demand for a new and more complete account of the life of this distinguished statesman. Stephens has added greatly to the value of his work by appending to it translations of some of Turgot's most characteristic shorter writings. The book is thus divided into two parts, of about equal length. The

first describes in four chapters Turgot's experiences as a divinity student and as Master of Requests from 1753 to 1761, his activity as Intendant of Limoges (1761 to 1774), and as Comptroller-General of Finance (1774 to 1776), and finally the five years he lived in retirement, which were closed by his death in 1781 when he had attained the age of fifty-four. In the second part we have translations of ten essays upon a variety of subjects written by Turgot between 1750 and 1775, of fifteen of his letters to such men as Voltaire, Condorcet, Hume, Franklin and Price and of some miscellaneous extracts from his other works.

Like so many distinguished Frenchmen of the eighteenth century, Turgot was destined for the church. Though not particularly happy in his home surroundings he was given the best of educational advantages. The last three years of his course were spent at the Sorbonne, and here he laid the foundations of his life-long friendship with the author and economist, Morellet. Already before the completion of his Sorbonne course the idea of taking orders had become repugnant to him, and with the consent of his father he determined upon an administrative career. When his fellow students remonstrated with him on this choice he replied with characteristic frankness that he could not devote his whole life to "wearing a mask." The interval of nearly a year which elapsed between the time of his departure from the Sorbonne and the receipt of his first appointment, Turgot, then a young man of twenty-four, spent at Paris obtaining his first knowledge of social life and making the acquaintance of the illustrious men of the time. He seems to have had neither fondness nor aptitude for society, but nevertheless his quick intelligence and noble character made him a favorite with the less frivolous set. Voltaire greatly admired him, and he became the favorite *protégé* of Mme. Graffigny, the accomplished author of the "*Lettres d'une Péruvienne*." Of Turgot's inner life at this and at all periods of his career Stephens has little or nothing to tell us. His first appointment, to the position of Master of Requests, offered little scope for the exercise of his talents, but already in this position he gave frequent evidence of that unselfish disposition and that exalted sense of justice which distinguished him through life. What makes this period most interesting to us is the fact that it was when Master of Requests that Turgot first associated himself with the Physiocrats. He is known to have been on friendly terms with Dr. Quesnay, and the high regard he felt for Gournay, the leader of the moderate wing of the sect, is sufficiently attested by the eulogy which he composed at the time of the latter's death in 1759. Economists would have been grateful to Stephens if he could have given a more detailed account of Turgot's relation to the Physiocrats and shown in how far his views coincided

with those of Quesnay. Perhaps the materials for a complete understanding of these points have not been preserved. In any case Stephens' *Life* leaves this want unsatisfied.

In 1761, Turgot was given an opportunity to put in practice the noble schemes for ameliorating the condition of the lower classes in France which had been for some time maturing in his mind. As Intendant of Limoges, he was the practical dictator over a considerable province of France and had under his direct care some 500,000 people. It was during the thirteen years that Turgot held this appointment that he gained that thorough acquaintance with the internal condition of France and the administrative evils under which the country was groaning, which served him in such good stead when he was elevated to the position of Comptroller-General in 1774. The reforms which he instituted in the province of Limousin were many and all had for their objects the breaking down of the artificial restrictions which hampered all forms of industry and the lightening of the burden of taxation which fell upon the peasants. He abolished the *corvée* and substituted for it a system of paid labor. He reformed the *taille* by causing a new survey to be made and appointing professional and paid collectors to attend to the administration of this tax. At the most critical period during his intendency, in the winter of 1769, when a famine devastated his province, he did not hesitate any more than did Bismarck one hundred years later, to exceed his constitutional powers in order to carry out the policy he deemed right. Such conduct, if not to be held up for the emulation of administrative officers in general, serves to distinguish the man of genius from the man of mere red-tape and officialism.

The chapter which Mr. Stephens devotes to Turgot, the Comptroller-General, is the one into which he has put most of his own work. In it we are conveyed from the somewhat obscure province of Limousin to the French capital and swept along in the full current of intrigue, corruption and incompetency which was carrying France rapidly toward the revolution. Turgot stands out conspicuously against this background. The profound grasp of the situation which he had; the far-sighted measures of "well-timed reform" he proposed, "to avert the revolution" he partly anticipated; the fearlessness with which he braved the censure of one party after another in the court, circumvented the frivolous and extravagant plans of Marie Antoinette and finally dared to threaten the king himself, with the fate which awaited his government, if he did not stand firm; the calmness and even relief with which he accepted his dismissal when it was conveyed to him by a messenger of the weak monarch who was afraid to deliver it in person; these are facts of history and will always be remembered to the credit

of the one really great character who figures among the officials of the unhappy Louis XVI. During the short two years that he was allowed to direct the financial affairs of the kingdom, Turgot adhered strictly to the program he laid down at the outset: "No bankruptcy, no increase in taxes, no loans." During his administration he successfully put down the bread riots in May, 1775, introduced free trade in grain and free trade in wine throughout the whole interior of France, and finally secured the registration by an unwilling Parliament of an edict abolishing the *corvée*. Two months after this event he was dismissed from office and his secretary, Dupont de Nemours and his friend the Abbé Badaeu, both well-known economists, were exiled from France. No restraint was put upon Turgot's own person, but the manner of his dismissal left no doubt of the completeness of the triumph which the small spirits about the court had gained over the one "*man*"—the phrase is Voltaire's—among them. This part of Mr. Stephens' narrative is enriched by quotations from the letters which Turgot addressed to the king during his ministry. Some of these, translated *in extenso*, appear here for the first time in English and all bear eloquent testimony to the courageous and independent spirit of their author.

During the last five years of his life Turgot resumed his favorite habits of quiet study and literary activity. He kept up an intimate correspondence with Condorcet, his future biographer, and took a lively interest in all the liberal movements of his age. He exchanged letters with Franklin, Josiah Tucker, and Morellet and is said to have been in correspondence with Adam Smith, though no letters verifying this supposition have been preserved. His death was not unexpected and was met with the same calmness that characterized all of his acts.

In spite of the new light which Stephens has thrown upon the character of Turgot and his career as an official, the reader, who seeks here for information about Turgot the economist, will meet with disappointment. This points to the chief defect in Stephens' biography. He has made very little use, apparently, of the great wealth of memoirs, private letters and contemporary judgments connected with this period and has contented himself with reliance upon secondary authorities and upon the semi-official documents bearing upon Turgot's career. Thus we learn nothing new concerning Turgot's relation to the Physiocrats. We are told that his "*Reflexions*," etc., were printed in 1766 (p. 61) while Adam Smith was in Paris, when as a matter of fact they were only written at that time and not printed until three years later when Adam Smith had the first draft of the "Wealth of Nations" well along toward completion. Such a slip would not have been made by a trained economist fully alive to the importance of the question as to how much Adam Smith was influenced by

his sojourn in Paris, and it is just here that Mr. Stephens lacks one important qualification for his task. He is not a trained economist and he does scant justice to the side of his subject in which economists are mainly interested.

When we come to the selections he has made from Turgot's writings for translation, the justness of his literary judgment is clearly shown. Ten pieces could hardly be better chosen for displaying the many-sided Turgot than are these. In his youthful Sorbonne essays on the "Successive Advances of the Human Mind" and "Universal History" is shown the broad-minded, if somewhat immature, philosopher; in his essays on "Paper-money," on Gournay and on "Protection to Native Manufactures" we have his characteristic economic theories, and finally in his memorial on "Local Government and National Education" we have the most weighty utterance of Turgot, the responsible minister. Altogether then we cannot but be grateful to Mr. Stephens for his work although it leaves still one side of Turgot to be elucidated by future students.

Turning to Rae's "Life of Adam Smith," the reviewer can have nothing but words of praise for this masterly biography. Aside from Dugald Stewart's memoir of his friend, written in 1793 and enlarged for publication in 1810, the materials for a life of the great economist are known to be of the scantiest. And yet Mr. Rae has succeeded, through the exhaustive study of contemporary sources, in giving us a very complete sketch of that life and in throwing much new light upon the generation of the "Wealth of Nations." Mr. Rae's book is divided into thirty-two chapters, each dealing with some period or episode in Adam Smith's life. Like Turgot, Smith enjoyed the best of educational advantages. He went up to the University of Glasgow from his native Kirkcaldy when only fourteen years of age, and after remaining here three years was sent as Snell Exhibitioner to Balliol College, Oxford, where he studied for six years longer. Like Turgot again, he began his career in practical life when twenty-five years of age and was almost immediately successful. The actual careers of the two men, however, were as different as possible. Adam Smith began his adult life as a public lecturer on English literature at Edinburgh (in 1749) and acquired such a reputation in this capacity that he was made Professor of Logic at his *alma mater* (Glasgow) two years later when he was only twenty-seven. The principal events of his later life are sufficiently familiar. Retaining his chair at Glasgow for thirteen years, he resigned it in 1764 to accept a position as traveling tutor to the Duke of Buccleugh. With this young nobleman he spent nearly three years in continental travel, and upon his return to Scotland in 1767 he settled down at Kirkcaldy to work upon the "Wealth of Nations" which occu-

pied his time pretty constantly until it was published in 1776. This work so added to his reputation that the last fourteen years of his life were brightened by numerous public and private tributes to his genius. He was made Commissioner of Customs for Scotland in 1777 and ten years later he was elected Lord Rector of Glasgow University, than which no honor could have been more acceptable. His death occurred in 1790.

Unlike Turgot, Smith's services to the world were mainly posthumous. It is not on account of his character, noble though that was, nor on account of his practical success as a teacher, that he is revered, but rather on account of the ideas which he embodied in the "Wealth of Nations," and which have now become the common possession of the race. As has been already intimated, the principal merit of Mr. Rae's biography consists in the exhaustive use he has made of contemporary sources to throw light upon the forces which co-operated with Adam Smith's native genius in the production of this great work. Contrary to the prevalent view, Rae maintains that if Adam Smith "was any man's disciple, he was Hutcheson's," rather than Hume's or Quesnay's. Hutcheson was Professor of Moral Philosophy at Glasgow when Smith went there as an impressionable lad of fourteen. In his lectures he covered the same field, ethics, jurisprudence and political economy, which Adam Smith was later to make peculiarly his own. Hutcheson's views were very much in advance of his age and were set forth by a master in the art of academic lecturing. Rae describes him as "free from the then prevailing fallacies about money," and continues, "his remarks on value contain what reads like a first draft of Smith's famous passage on value in use and value in exchange. Like Smith, he holds labor to be the great source of wealth and the true measure of value, and declares every man to have the natural right to use his faculties according to his own pleasure for his own ends in any work or recreation that inflicts no injury on the persons or property of others, except when the public interests may otherwise require" (p. 14). This is in brief the basis of the system of natural liberty which many have supposed Smith to have borrowed from the Physiocrats. That Hutcheson's teaching made a vivid impression upon the young student's mind is shown by the fact that in the public course of lectures on political economy which Smith delivered in Edinburgh in the winter of 1750, he took substantially the same position which he later defends in the "Wealth of Nations." Moreover during his thirteen years as professor at Glasgow he was such an ardent advocate of the system of natural liberty that he "converted the whole town to free trade." This was before the Physiocrats had written a line, or Adam Smith had any knowledge

that such a sect existed. Undoubtedly during his winter in Paris (1765) Smith derived many fruitful ideas from his intercourse with Turgot, Quesnay and the other Physiocrats and received from them much assistance in getting his own theories into a systematic form, but it is equally certain that the main outline of his own scheme of political economy was already in his mind before he set foot in France. He was working at it in Toulouse in 1764 and was able to show Turgot quite as profound a knowledge of the subject as he himself possessed when they conversed on economic questions a year later. Smith's judgment of Turgot is interesting. He thought him "an excellent person, very honest and well-meaning, but so unacquainted with the world and human nature that it was a maxim with him, as he himself has told David Hume, 'that whatever is right may be done.'"

In the chapter entitled "The Wealth of Nations Abroad and at Home," Mr. Rae has collected some useful biographical notes. It is amusing to learn that the work was suppressed by the Spanish Inquisition because of the "lowness of its styles and the looseness of its morals." The last days of Adam Smith are rendered interesting by an event which has spared his successors much tedious and useless labor, I mean the destruction of his private papers. When he felt his end approaching this matter seemed to cause him considerable anxiety. After much urging, his friends, Hutton and Black, were persuaded to burn before the eyes of the dying man "sixteen volumes of manuscript to which he directed them without knowing or asking what they contained." Much relieved by this compliance with his wishes Adam Smith met his death, regretting only that "he had done so little."

In this short review I have been able to give but a very inadequate notion of the scientific completeness and literary charm of Mr. Rae's biography. There is hardly a prominent character of the last century that does not figure in these pages and about each is collected a wealth of anecdote and of contemporary opinion which lifts him out of the shadowy realm of history and makes him a creature of flesh and blood, whose motives we can understand and with whose feelings we can sympathize. Economists of all lands have long wished for a really complete biography of Adam Smith, and now that the result of Mr. Rae's patient and scholarly labors is before us, it is not too much to say that the book is worthy of its subject, the immortal "father of political economy."

HENRY R. SEAGER.

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*Journal of Colonel George Washington, commanding a detachment of Virginia troops sent by Robert Dinwiddie, Lieutenant-Governor of Virginia, across the Alleghany mountains, in 1754, etc.* Edited with notes by J. M. TONER, M. D. Pp. 273. Price, \$5.00. Albany, N. Y.: Joel Munsell's Sons, 1893.

Whenever Dr. Toner writes about Washington he has something to tell us that is sure to prove interesting and profitable reading. For so familiar has he made himself with the details of his hero's career that we may regard him as the Sparks of our time, with this difference: he has too great a reverence for his subject ever to tamper with the texts he publishes. The volume under consideration is the third in the series of Washington's journals which he is editing in his careful and painstaking manner. For the nearest approach to the original of this he has to rest satisfied with a garbled French translation of it, published in 1756, and designed to have political effect. The journal fell into French hands most probably, as Dr. Toner holds, at the battle of Great Meadows when, as Washington tells us, he lost all his papers. Dr. Toner, while not despairing that the original may still be in existence, gives us here a translation from the French version, and as it is only a fragment, ending abruptly on the twenty-seventh of June, he completes the narrative from original documents of Washington's own writing, down to his return to Williamsburg in the following July.

The journal tells the story of the preliminary skirmishes of the war that was to blot out the possessions of France from the map of America. While Colonel Fry was nominally in charge of the expedition against Fort Duquesne his illness put Major George Washington, just commissioned lieutenant-colonel, really in command, and with his two hundred and fifty men on April 2, 1754, he started from Alexandria, Va., at the head of the first body of American troops sent across the Alleghany mountains. Viewed in its best light it was hardly more than a marauding expedition whose object was to take possession and hold as much territory as possible. Washington records, while almost repeating the words of his instructions from Governor Dinwiddie, that he was sent "to help Captain Trent to build forts, and to defend the possessions of his majesty against the attempts and hostilities of the French."

We have space to do no more than mention that the expedition advanced and retreated with great caution and no little difficulty. That several battles, or rather skirmishes, took place and that, for lack of adequate reënforcements, Washington was finally forced to capitulate, with all the honors of war, at the Great Meadows where he had



thrown up the breastworks named by him Fort Necessity. The enterprise in itself was barren of results, but it served to render Washington familiar with the country, the knowledge of which he was soon to be called on to make use of, and to open the way for the final conquest of the territory. He learned also that the Indians were a not unimportant factor to be taken into consideration. Washington knew how to take the just measure of their protestations of friendship; that they were meant to draw from him the details of his plans to be in turn divulged to the French at the earliest opportunity. But he failed not to negotiate with them, liberally punctuating his speeches the while with gifts of wampum belts. A less cautious and judicious commander might have been misled by their intrigues. It is interesting to find him speaking of them, however, as "treacherous devils, . . . sent by the French to act as spies," and to note his gratification at their return "though not without some stories, prepared to amuse the French, which may be of service to make our designs succeed." Nor did he hesitate to enlist the services of those friendly to him and in turn to use them as spies upon the actions of the enemy.

Dr. Toner has done a most serviceable piece of work in thus presenting before us this material which, added to Gist's and Trent's journals, enables us to follow the history of the conquest of the West with considerable detail. In addition it is a valuable aid to understanding the development of Washington's character, for, although a mere youth, he had ample opportunity to exhibit some of those sterling qualities which served him in such good stead in the War for Independence. The appendices are of particular importance, especially the transcript of Washington's account with Virginia, rendered October, 1754. It enables Dr. Toner to fix the route of his march and gives almost conclusive evidence that the original of the journal was lost at the battle of the Great Meadows. The absence of a map from the volume is greatly to be regretted; and it would have been well, too, if Dr. Toner had calculated a little more upon his readers' intelligence. For then he would not have needed to overburden the book with so many unimportant notes, thereby making the reading of the journal itself a most difficult task.

HERBERT FRIEDENWALD.

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*English History in Shakespeare's Plays.* By BEVERLEY E. WARNER. Pp. x, 321. Price, \$1.75. New York and London: Longmans, Green & Co., 1894.

If it be true, as Coleridge said, that "the people take their theology from Milton and their history from Shakespeare," this latter debt

is largely an unconscious one, and one upon which students, both historical and literary, have laid little stress. In all the wealth of Shakespearian literature it is strange that there has been but one slender volume, now long out of print, which has attempted any continuous treatment of English history as reflected in Shakespeare's plays.

Schlegel insisted that Shakespeare intended his ten historical plays as parts of one great whole. It is this oneness, this continuity that Mr. Warner has seized upon and enforced in this course of popular lectures. An exact title for the whole series of plays, as he reads them, would be: "The Decline and Fall of the House of Plantagenet, with a Prologue on King John and an Epilogue on Henry VIII."

"You must tell me what I am to see, or I shall not see it," said a great scientist, before whom Faraday was about to perform some of his marvelous experiments. This same service, the focusing of the attention, is here attempted in behalf of the Shakespearian student. With the gain there comes, of course, the attendant danger, that the emphasis may not be not the dramatist's but the lecturer's, that it has been read not in but *into* the plays. The scheme which Mr. Warner here suggests, however, is at once so simple and so temperately urged, that it will prove of no slight help.

In arrangement the book is made very usable. The discussion of each play is preceded by a brief statement of its sources and of its early editions, together with a chronology of the events occurring between this and the preceding play. In the lecture proper the principal anachronisms are pointed out, and occasional reference is made to contemporary chronicles. There is but slight display of originality or of deep research. Indeed there is little here which many a painstaking student of Shakespeare might not find for himself. But the excellence of this book is that here the work has actually been done, the unity has been grasped; freed from their stage setting, the spirit and movement of English history are here presented, and in great measure there is effected "a working partnership between the Chronicle of the formal historian and the Epic of the dramatic poet." Several useful appendices, bibliographical and critical, and an excellent index complete the book.

GEORGE H. HAYNES.

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*Punishment and Reformation, an Historical Sketch of the Rise of the Penitentiary System.* By FREDERICK HOWARD WINES, LL. D. Pp. 339. Price, \$1.75. New York: Thomas Y. Crowell & Co., 1895.

In January, 1895, Dr. Wines delivered a course of lectures, upon "Punishment and Reformation," before the Lowell Institute of Bos-

ton. They were addressed to a popular audience, and in the revised form of the present work they are still addressed to a like audience. As the author disclaims any pretence to original research or exhaustive treatment, it is primarily from the standpoint of the general reader that his work must be considered. The general reader is torn by conflicting emotions. He has a real or fancied thirst for information; but he is impatient, impatient of quantity, impatient of the form of presentation. Dr. Wines has skillfully met the situation. He does not attempt to tell us all he knows, but what he tells us he puts before us in a very readable fashion.

The sub-title, "An Historical Sketch of the Rise of the Penitentiary System," tells us the order of presentation. The attitude of society toward crime is reflected in the treatment meted out to law-breakers. Dr. Wines gives us a spirited but somewhat harrowing account of the corporal punishments which were the sole weapon of the law-giver down to the very dawn of modern times. He then traces the gradual disappearance of barbaric punishments and the substitution of more humane treatment. Deprivation of liberty by confinement is to-day the penalty of crime in all civilized countries. The prison, once a temporary stage before trial or before the execution of a sentence, has become the main agent for the punishment of law-breakers. We have not all, it is true, the same notions of the purpose of this punishment, or of the spirit in which it should be administered. Hence the concluding chapters treat of the Elmira system, criminal anthropology, and other modern notions in the theory of crime and punishment. This portion, and, indeed, the book throughout, is marked by a sober-minded judicial treatment of the subject which cannot fail to exert a healthy influence. The author is no enthusiast, but at the same time a scholar, and a practical man of affairs, whose life-long familiarity with the subject of crime and punishment has taught him to see things as they really are, and yet not to despair of improvement.

We cannot conclude a review in the *ANNALS* without asking a question which might perhaps be passed over in a newspaper review, namely, what is the value of the work to the student of sociology? The book may be divided into two parts, historical and expository. In the interests of the general reader Dr. Wines was forced to expand the historical portion where he was not at home, and contract the expository part where he is an acknowledged master. For the student this is unfortunate. He could wish that the historical summary had been made by a more skillful hand, for he cannot but be pained by so startling an historical statement, as that Maria Theresa was succeeded by Joseph II., who had an almost insane hatred of all

reform.\* On the other hand the student will regret the brevity of the exposition of more modern notions of punishment and crime which is held within such narrow limits as to contain perforce only the general characteristics with which he is already familiar. Though of slight value to himself, the student cannot fail to recognize the admirable popular qualities of the book, and to recommend it to those seeking an introduction to the study of crime and its treatment.

ROLAND P. FALKNER.

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#### POPULAR DISCUSSIONS OF THE MONEY QUESTION.

Several score of pamphlets, leaflets, catechisms and addresses upon the various phases of bimetallism have appeared within the last few months, but the gist of all that they contain is to be found in one or another of a list of four or five books. They possess no scientific value for the student of money, for they contain no new facts or groupings of statistics, and no new theories that have any value except as curiosities of abnormal logic.

Mr. Harvey's book, "*Coin's Financial School*,"† is probably responsible for three-fourths of the cheap literature issued this year upon the money question. It is a quasi-humorous, yet apparently earnest and sincere argument for the free coinage of silver in the United States, the mono-metallic logic coming from the lips of a boy teacher in an imaginary school at Chicago. The book has been widely read and has received the earnest and often acrimonious consideration of numerous critics. The author has been censured for having represented certain well-known financiers as present at his "school" in utter helplessness before the logic of the boy lecturer, yet a reader of any discernment whatever can hardly fail to perceive the fictitious character of the "school."

In the book we find all the old arguments in behalf of silver ingeniously bolstered by statistics, charts and illustrations. Mr. Harvey tries to prove that the original unit in our currency was the silver dollar, that bimetallism was successfully maintained down to 1873, when silver was surreptitiously and feloniously demonetized, that gold is appreciating in value and that the consequent falling prices are responsible for manifold commercial and industrial evils, that the value or purchasing power of silver has changed but little in the last twenty

\* Page 139.

† *Coin's Financial School*. By W. H. HARVEY. Pp. 155. Price, 25c. Chicago: Coin Publishing Company, 1894.

years, and that the opening of the United States mints to the free coinage of silver would raise it to parity with gold at the ratio of 16 to 1.

Evidently the most important of these contentions is the last. An opponent of silver might admit, for the sake of avoiding unnecessary argument, the truth of all of Coin's other conclusions, and yet prove that the free coinage of silver would have disastrous results; or conversely, if it cannot be made reasonably certain that the free coinage of silver will result in a commercial ratio of 16 to 1 between silver and gold, argument on other points can avail but little except with people who are willing to make a change in the standard of value at any cost whatever. If it should be admitted that the free coinage of silver means a transition in this country from a gold level to a silver level of prices, it would probably have few advocates in any community. The friends of silver know this well enough, and as a rule they claim that 371.25 grains of silver will be equal in value to 23.22 grains of gold when the free coinage of silver is legalized. Yet they avoid this direct and important issue as much as possible, seeming to find it more effective to describe the evils of the present situation and to let it be taken for granted that the change that they propose will be for the better. So Mr. Harvey in his "Coin's Financial School," just as in his public debates in Chicago with Professor Laughlin and Mr. Horr, is most strenuous in his efforts to demonstrate that our original monetary unit was of silver, that its demonetization was a crime, and that gold prices are falling because there is not gold enough in the world to do the business of the world.

Of the one hundred and fifty-five pages of this book, only twenty are ostensibly devoted to the consideration of independent free coinage, and here we find not argument, but denunciation of Great Britain. It is the poorest chapter in the book. The boy teacher, having exhausted his statistics in exhibition of the desolation caused by the gold standard, takes for granted that his pupils perceive, as he does, that there is no other possible remedy except the free and independent coinage of silver by the United States.

Most of Mr. Harvey's opponents have followed his order in debate and have thus wasted considerable time over unimportant issues. The silver unit contention and "the crime of 1873" are discussed in great detail, as if the issues of the present depended on their immediate settlement. The silver question, as a question of the day, involves the discussion of two points: First, is the gold standard maintained at great cost to trade and industry because of an inade-

quate supply of gold? and, second, will any improvement result from the free coinage of silver? We must have positive and convincing information upon these two points before the silver question can be satisfactorily disposed of and all discussion of other points is in the main unessential. The author of "Coin" does his best to prove that the gold standard causes infinite mischief. He faces that issue squarely, but he dodges the other. Having proved to his satisfaction that evil results from the scarcity of money, he assumes that the merits of a policy which increases the money supply need no demonstration. He begs, therefore, the real question at issue. It is comparatively easy for him, by massing the gloomiest statistics he can find, to convince the average man that something is radically wrong with business and with prices, and to shoulder the responsibility upon an appreciating gold standard, but he does not prove, and really does not try to prove that the free coinage of silver will help matters, although that is the particular thesis which the book sets out to establish.

The replies to "Coin's Financial School" may be grouped in two classes—those which attack especially its theories, and those which deny its "facts." Professor Laughlin's book, "Facts About Money,"\* is beyond question the best all-round reply that has been published. It appears to consist of editorials which he contributed last spring to a Chicago newspaper, and is dressed with such a picturesque cover that one is led to suspect that it was issued without authority while the professor was absent on his summer vacation. The book is of real value to the student. It discusses the "unit question," the alternating standard in the United States from 1792 to 1873, France, under the free coinage of silver, the Act of 1873, the nature and function of money, the relation of money and prices, the panic of 1893, the production of gold and silver, the shrinkage of prices, etc. In a way the book may be regarded as a supplement to the same author's excellent "History of Bimetallism," although the latter treatise contains many of the facts and practically all of the arguments here freshly presented.

Professor Laughlin, of course, takes his stand on strictly classical ground, and attacks the very foundations of "Coin's" philosophy, to-wit: The quantitative theory of money. He contends that the value of money is very little dependent upon its volume, because of the important work done in modern business by the

\* *Facts About Money.* By J. LAURENCE LAUGHLIN, Professor of Political Economy in the University of Chicago. Pp. 275. Price, 50c. Chicago: E. A. Weeks & Co., 1895.

element of credit. Students of the subject are familiar with this argument and it is not necessary to discuss it here. Professor Laughlin makes a good statement of it, yet he does not always treat his adversary with perfect fairness. Thus, in combating "Coin's" position that prices are affected by the quantity of money in circulation, Professor Laughlin says: "In 1873, when no gold or silver was in circulation, prices were at 122; and in 1891 when the circulation had gained \$1,003,000,000 of gold and silver, prices were at 92.2. Nothing could show more clearly the utter incompetence of 'Coin's' book, nor more clearly show that the quantity of silver has had nothing to do with the movement of prices since 1873."

"Coin's" incompetence is hardly to be exhibited in this easy fashion. The value of gold, or the level of gold prices, cannot under any theory be determined by the quantity of gold in any single country. Professor Laughlin's effort to appropriate the enemy's ammunition of falling prices is more ingenious than ingenious. "Coin's" contention is that the value of gold depends upon the relation of the total supply in the world to the total demand, and he further insists that the money use of gold is a most important element in the demand for the metal. "Coin" speaks of the money demand for gold as an "unlimited demand," and in so doing is, of course, in manifest error. Professor Laughlin apparently does not believe that the use of gold as money has any effect upon the value of the metal. "To coin money," he says, "does not create a demand for it." That is true enough, but the fact that people have a use for some \$4,000,000,000 of gold coin, whether because of law or of custom, does seem to constitute a rather strong demand for the metal.

Professor Laughlin does not discuss this point satisfactorily, yet it is fundamental in the arguments of the friends of silver. I do not recall any passage in which he declares boldly that in his opinion a free coinage act would not raise the commercial value of silver, yet that he holds such an opinion must be inferred from such sentences as the following: "The legal tender power of Mexican law does not give a Mexican silver dollar any additional value beyond its intrinsic worth in the markets of the world." But is not the present intrinsic worth of silver in the markets of the world partly due to the legal tender power of Mexican law? That is a point upon which "Coin" and other advocates of silver lay great stress, and it seems to me that the two recent champions of mono-metallism, Professor Laughlin in this country and Mr. MacLeod in England, fail to recognize its importance.

The book by Messrs. Fraser and Sergel, called "Sound Money,"\* has for a sub-title "Complete Exposure of the Forged and Falsified Statistics in 'Coin's Financial School.'" It represents a type of argument which hardly does credit to the "sound money" cause. An effort is made throughout the book to convince the reader that Mr. Harvey has deliberately changed to his advantage the figures which he quotes from statistical manuals. The authors may be sincere in their charges, yet there is no evidence that Mr. Harvey has intentionally doctored statistics. His references are to the statistical abstract for 1893, and to other statistical manuals of that and the preceding year; while his critics always compare his figures with those given in the publications of 1894. I have compared some of his condemned tables with the authorities of 1893 and 1892, and have found them to be correct. For instance, his table showing the world's production of gold and silver, where he is said to have lessened the gold product and increased the silver product for every year—with four exceptions—since 1841, coincides almost exactly with the table published in the report of the Director of the Mint for 1893, although it does not agree with the figures given in the report for 1894. Mr. Harvey is certainly not to be blamed because of discrepancies that did not exist when he wrote his book.

The "Sound Currency"† publications of the Reform Club of New York, differ radically in form from the literature published in Chicago and other parts of the West. They discuss the various phases of the money question in a straightforward, serious way, entirely without the aid of pictures or imaginary conversations. Each writer aims evidently at the utmost clearness and simplicity of exposition. The result is a score of small pamphlets in which a large amount of valuable information is condensed. The popular interest in the whole matter is now apparently on the decline, and the friends of independent free coinage in this country are believed to be lessening in number. However that may be, the agitation has been an educational one for the people, and the publication and wide circulation of "Coin's Financial School," which is credited with being the immediate cause of the agitation, need not now be viewed with regret by anyone.

JOS. FRENCH JOHNSON.

*University of Pennsylvania.*

\* *Sound Money*. By JOHN A. FRASER, JR., and CHARLES H. SERGEL. Pp. 114. Price, 25c. Chicago: Charles H. Sergel Company, 1895.

† *Sound Currency*. Published semi-monthly by the Sound Currency Committee of the Reform Club. Single copies, 5c. New York: 52 William Street.



## NOTES.

THE FIRST EDITION of Bastable's "Public Finance" having been for some time out of print all interested in public finance will be glad that a new edition\* has been given to the public. The volume has been increased by thirty-six pages; a good subject index has been added; two new chapters have been introduced, one by expanding the appendix to Chapter VI, Book III, thus enabling the author to discuss more fully the "maxims of taxation," and the other by dividing and expanding Chapter VIII., Book IV, into two chapters.

The facts and figures have been revised and brought down to date. The important financial measures adopted since the first edition was issued have been treated of in this edition. Each change made has been an improvement. Certainly no book of this kind, intended as a manual, should be published without an index and this need the author has recognized in preparing this new edition of his work.

ANY READER of Mr. Brough's "Natural Law of Money," † who expects, from the long and promising title of this book, to find in it anything new on the money question, will be disappointed. Indeed, the only apparent excuse for the publication of the book is that it is only by much repetition that sound views can be popularized, and Mr. Brough's views are on the whole sound.

The book is devoted to an incomplete and somewhat fanciful "history" of money, a partial exposition of the well-known principles of the "banking school," and the discussion of what Mr. Brough calls the "natural law" of money. This "law" is that "the commodity employed as money does not go out of use until it is superseded by one of superior qualifications for the service." The student of history or of evolution needs no prophet to tell him that. There is little that is practically helpful and certainly nothing new in the book.

IN A BOOK entitled "Principles and Practice of Finance," ‡ Mr. Edward Carroll, Jr., has embodied much valuable information in a

\* *Public Finance*. By C. F. BASTABLE. Second edition, revised and enlarged. Pp. 708-8. Price, \$4.00. London and New York: Macmillan & Co., 1895.

† *The Natural Law of Money*. The successive steps in the growth of money traced from the days of barter to the introduction of the modern clearing-house, and monetary principles examined in their relation to past and present legislation. By WILLIAM BROUGH. Pp. v, 168. Price, \$1.00. New York and London: G. P. Putnam's Sons.

‡ *Principles and Practice of Finance*. A Practical Guide for Bankers, Merchants and Lawyers. Together with a Summary of the National and State Banking Laws, and the Legal Rates of Interest, Tables of Foreign Coins, and a Glossary of Commercial and Financial Terms. By EDWARD CARROLL, Jr. Pp. vii, 311. New York and London: G. P. Putnam's Sons, 1895.

convenient form for use. To the principles of finance only fifty-nine pages are devoted. These two chapters might better have been omitted. The author is evidently not a specialist in the theory of finance. The brief discussion of theory is of little value and forms no essential part of the book. The remaining five-sixths of the book constitute a good compendium of what an academic or business man ought to know regarding the currency of the United States, the national banking system and the State and private banking institutions of New York State, the clearing house system, the New York Stock Exchange, the various kinds of business paper and the methods according to which the more common business transactions are made. The book contains a table giving the value of foreign coins, and has one chapter summarizing the laws of each State regarding legal rates of interest, days of grace and legal holidays. A glossary of thirty-one pages defines the business terms most in use. Students as well as business men will find the book one worth reading and placing in their libraries for reference.

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"ANDREW JACKSON, TENNESSEE AND THE UNION," by Albert V. Goodpasture, is the title of a paper read before the Vanderbilt Southern History and the Tennessee Historical Societies and just published among the Tennessee Historical Society Papers.\* While not so exhaustive as might be wished, the paper brings to notice a large number of men, contemporaries of Andrew Jackson and schooled by the same experiences in the same sentiments, who went as young men to States farther south and west to enter politics and organize the party of Jackson's loyal supporters.

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"ENGLISH HISTORY, FOR AMERICAN READERS" is a book whose strength and weakness are indicated in the title itself.† Its strength, in that a definite ideal is always of value to a book; its weakness, in that this ideal is, we are inclined to think, a bad one. The history of no country should be written in the light of that of another. Each country has its own development, its own causes of change, progress, or decline. To lay stress on those elements of the history of a country which have more directly influenced the fate of another is to misrepresent the facts by putting them in a false perspective. The best value of English history for American students can only be attained when

\* Pp. 23. Nashville, Tenn.

† *English History for American Readers*. By THOMAS WENTWORTH HIGGINSON and EDWARD CHANNING. Pp. 334. Price, \$1.20. New York: Longmans, Green & Co.

they study it for its own sake, forgetting, for the time, as far as possible their own country, and striving to understand English history in its own light.

Apart from this criticism, the familiar story is well told, avoiding, in the main, unjustifiable statements of fact, and yet retaining the interest of a continuous narrative. The illustrations are somewhat disappointing, being for the most part the same that have been already used in "Gardiner's England," and yet by some inferiority of book-making, having a decidedly poorer appearance. In this land of good wood-engraving one dislikes to see the American imprint accompanied by poorer pictures than the English.

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THAT THEORY OF history which makes it an account of the characters, doings, sayings, intrigues, and affairs of the members of royal families and their "set," is well exemplified in Mrs. Latimer's "England in the Nineteenth Century."\* And as the inane and objectless kind of amusement which comes from this kind of history is always attractive to many people, there will no doubt be a sufficient number of readers to remunerate the publishers and the author; which is the highest ideal it seems proper to attribute to the makers of such literature.

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Mühlbrecht's "*Wegweiser*"† became an indispensable assistant to the student of politics and economics upon its first appearance in 1886. The first edition contained a list of the leading works on law, politics and economics in our modern literature down to the first of July, 1885. The preface to the new edition bears date of January 1, 1893, and presumably gives a view of the literature down to, or within a short time of, that date. The first edition contained 429 pages; the present is nearly double the size of the former.

An examination of the new edition shows that the work has been improved in very many directions. It now contains the titles of almost 34,000 works. Of course, even such a vast catalogue as this is not complete; but it contains, especially for German literature, a very satisfactory and comprehensive selection of the works which have appeared upon these subjects up to the present time. Among the older works only those are selected which are considered to be of permanent value. The usefulness of the book is greatly increased by

\* *England in the Nineteenth Century*. By MARY ELIZABETH WORMELEY LATIMER. Pp. 451. Price, \$2.50. Chicago: A. C. McClurg & Co., 1894.

† *Wegweiser durch die neuere Litteratur der Rechts und Staatswissenschaften. Für die Praxis bearbeitet*. VON OTTO MÜHLBRECHT. Zweite umgearbeitete und vermehrte Auflage. Pp. 748. Berlin: Puttkammer & Mühlbrecht, 1893.

the systematic classification of the subjects which is prefixed to the body of the work, and by the alphabetic register which is appended to it, the latter containing in an index form some 48,000 headings, embracing the names of all the authors, the titles of their works, and many cross-references which heighten the value of the register very much.

To those who have had occasion to use the first edition of this book it is only necessary to say that the second is a material improvement upon the first. To those who have never seen or utilized it we can recommend it cordially. It would be easy to find fault with such a work; but it would be very difficult to improve upon it. The compiler, as well as the publishing house, has done a most substantial service to science. The book supplements their well-known bibliographical lists in a most valuable way. The name of the author, the title of the book, the place and date of publication and the publishers' price are all indicated. In the case of collections and of older works, the prices at which they are most commonly quoted in the market are given, so far as practicable, and the works have been marked as out of print which can no longer be obtained from the publishers. Many of the titles are given three times in the alphabetic register: once under the name of the author; once under the leading word in the title; and once under the name of the country to which the work refers. It is thus possible for one to acquaint oneself very quickly as to the literature relating to any given subject, as well as the literature relating to a given country, and even a province or city. It would be a great service to English literature if some English or American publisher would prepare a work along the same lines which should be as complete for American and English works as the present for German. The "*Wegweiser*" ought to be in every university library in the United States.

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THE VALUE OF Professor Tarr's work on the "Economic Geology of the United States" \* is shown by the early appearance of a second edition. The first edition was exhausted in a little over a year. The new issue is hardly a revision of the former one. The pagination of both editions is the same up to page 466. Between pages 464 and 465 of the second edition a table is inserted giving the quantity and value of the mineral products of the United States for the calendar years

\* *Economic Geology of the United States, with Briefer Mention of Foreign Mineral Products.* By RALPH S. TARR, B. S., F. G. S. A., Assistant Professor of Geology at Cornell University. 2d edition. Pp. xx, 525. Price, \$3.50. New York and London: Macmillan & Co., 1895.

1884 to 1893. Beginning with page 466 seventeen pages of new matter are added containing notes and statistics of mineral products for the years 1892 and 1893.

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AMERICAN AND ENGLISH writers too often speak of the "Austrian School" as of a group of economists whose scientific work is finished. The theories which they have developed are grouped together and criticised as though they constituted a complete system and as though any field of economic phenomena not covered by these theories were in itself a reproach to the Austrian economists. Nothing is more certain than that the Austrian writers themselves do not regard their work as completed. They would be the last to claim for their theories the title of a "system." One evidence of this is found in the mass of monographic literature which the younger members of the school are industriously turning out each year. This literature is in part constructive, attempting to give wider and wider application to the Austrian theory of value, and in part critical, designing to show how this theory fits into accepted systems of economics and in how far it renders necessary the reconstruction of these systems.

Two monographs illustrating these different directions of literary activity have lately appeared. The first is an essay by Knut Wicksell upon "Value, Capital and Interest." \* This falls into two parts, one of which explains the "new theory of value," while the other discusses the "new theory of capital." The principal purpose of the author has been to translate into mathematical language the theories of the Austrian economists and to correct and complete Böhm-Bawerk's analysis of capital and interest. He regards the work of Jevons in this same field as superficial, while the more profound work of Walras is declared to rest on incorrect hypotheses. With what success the author has applied the mathematical method to the problem of interest let those judge who have the patience and knowledge to follow through his ingenious demonstrations. The second monograph is by Dr. Richard Schüller and discusses the "Classical School and its Critic." † The "critic" alluded to is Professor Brentano and the criticism that contained in his inaugural address when installed as professor in Vienna. Dr. Schüller has endeavored to prove by exhaustive quotations from the works of Adam Smith, Say, Malthus and Ricardo, that the "abstractions" which Brentano lays to the charge of these economists will be sought for in vain in their writings. The monograph is

\* *Ueber Wert, Kapital und Rente nach den neueren nationalökonomischen Theorien.* Pp. xvi, 143. Jena : Gustav Fischer.

† *Die klassische Nationökonomie und ihre Gegner.* Pp. 71. Berlin : Carl Heymann, 1895.

dedicated to Professor Carl Meuser and in it the Austrian economists are treated as the logical heritors of the English classical school. As a reply to Brentano's hasty and exaggerated assertions, Dr. Schüller's study is conclusive, but it throws little or no new light upon the real attitude of the classical economists.

One of the anomalies in the development of the German historical school has been the unhistorical attitude some of its members have taken toward economic theory. Now that the theorists are becoming historians of theory on their own account, we may look for a conclusion of the bickering between rival "schools" and tendencies that have constituted such an important part of recent economic literature. From this point of view Dr. Schüller's monograph is welcome.

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THE FIRST ISSUE of *The American Historical Review*\* makes a very happy impression and reflects great credit upon both editors and publishers. Professor William M. Sloane in a salutatory article upon "History and Democracy," takes an optimistic view of the future of historical writing in the United States. He deprecates, however, the absence of a "thorough knowledge of general history" among the students entering the somewhat specialized courses in our universities. All would agree that a thorough knowledge of general history was a desideratum, but that "the logical process of teaching is," as Professor Sloane asserts, "exactly reversed" when instruction begins with careful special study is a thesis which might perhaps be successfully combated. The only road to the general may lie through the special.

Professor Moses Coit Tyler contributes a characteristically lucid and interesting paper upon "The Party of the Loyalists in the American Revolution." He proves the existence of a relatively large cultivated class among the Tories, and shows the strength of their argument that "taxation without representation" was a constitutional principle in no way violated by the financial legislation which had offended the colonists. Mr. Henry C. Lea indicates an important bull of Sixtus IV., showing that the Holy See was, in spite of all counter-arguments, anxious for the establishment of the Spanish Inquisition. Mr. Henry Adams gives an account of a curious French adventurer, Count Edward de Crillon, who appeared in the United States in 1812, and Professor Turner, of the University

\* *The American Historical Review*. Board of Editors: George B. Adams, Albert B. Hart, H. P. Judson, J. B. McMaster, William M. Sloane and H. Morse Stephens. Managing Editor, J. Franklin Jameson. Vol. I, No. 1, October, 1895. Issued Quarterly. New York: Macmillan & Co. Price of subscription, \$3 annually; single copies, \$1.

of Wisconsin, furnishes an excellent article upon "Western State Making in the Revolutionary Period." "It is," the author maintains, "the fact of the unoccupied territory in America that sets the evolution of American and European institutions in contrast." Our national development is thus best understood by a study of the occupation of the West. A department of the new review will be reserved for unpublished documents. The function of criticism is emphasized by the relatively large space, about half the magazine, devoted to book reviews. These indicate a catholicity which is susceptible of being overdone. It is to be feared that an attempt to include relatively long notices of such works as Dr. Briggs' "Messiah of the Apostles," or even of the story of "Vedic India" may crowd out other works of more strictly historical nature when we consider the mass of contributions constantly appearing on the continent of Europe. Several pages of "Notes and News" enable the historical student to follow the changes in his field of work. Should the succeeding numbers receive as general support from the leading historical writers of our country as this first issue enjoys, there is no doubt of the force which the new review will exercise in stimulating historical study in our country.

## MISCELLANY.

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### AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE.

The American Association for the Advancement of Science held its forty-fourth meeting at Springfield, Mass., commencing August 28. The first regular meeting of the Council was held at 12 m. on that day, and the subsequent meetings were held at 9 a. m. on the following days. At the first meeting 101 new members were elected, and 120 papers passed upon and assigned to the various sections.

The first general session of the Association was held on Thursday morning, August 29, at 10 o'clock. In the absence of the retiring President, Dr. Daniel G. Brinton, the chair was occupied by Vice-President Professor W. H. Brewer, who introduced the President-elect, Professor E. W. Morley, of Cleveland, O. Addresses of welcome were delivered by Hon. Charles L. Long, Mayor of Springfield, and Hon. William H. Haile, the president of the local committee. After the adjournment of the general session the various sections organized in their respective meeting places. In the afternoon the sections also met separately.

Vice-President Fernow, of Section I (Economic Science and Statistics), delivered the annual address. His subject was "The Providential Functions of Government with Special Reference to Natural Resources." Professor William R. Lazenby was elected Secretary of Section I, and Professor W. H. Brewer, Professor W. O. Atwater, and Dr. William H. Hale were elected Fellows for the Sectional Committee.

At the Thursday evening session the address of the retiring President, Dr. Brinton, on "The Aims of Anthropology," was read by the General Secretary, Mr. James L. Howe.

At the meeting of Section I on Friday morning, August 30, Mr. Henry Farquhar, of Washington, read a paper on "An International Coinage." This was followed by a paper by Mr. J. W. Sylvester upon "A System of Co-Metallism." Saturday was devoted to excursions to colleges in the neighborhood of Springfield.

At the Council meeting on Monday morning, September 2, the proposed change in the title of Section I from that of "Economic Science and Statistics," to that of "Social and Economic Science," was discussed. No action was taken until the matter should be considered by Section I.

At the meeting of Section I, held after the general session on Monday, three papers were presented: the first by Dr. William R.



Lazenby, on "Manual Training in Horticulture for Our Country Schools;" the second by Mr. J. L. Cowles, upon "Equality of Opportunity, How Can We Secure It?" which was an argument in favor of bringing the system of railway fares under the principles in use in the post-office, and of adopting the lowest rate possible. Mrs. Mary J. Eastman followed with a paper on "A Cottage Settlement." No meeting of Section I was held on Monday afternoon.

At the meeting of the Council on Tuesday morning, September 3, the President and Permanent Secretary were authorized to execute a contract with the University of Cincinnati for keeping in its library the books and periodicals belonging to the Association.

At Tuesday morning's session of Section I, Mr. Edward Atkinson's paper on "Taxation in the United States" was read in abstract by the Secretary. Mr. E. L. Corthell followed with his paper on "The Growth of Great Cities." The remaining two papers on the program on "The Law of Chance as Illustrated in Railway Accidents," by Professor T. C. Mendenhall, and "Suicide" by Mr. W. L. O'Neill, were not handed in to the section, as both gentlemen were absent. At the close of this meeting Section I adjourned for the year.

The Council on Wednesday morning, September 4, decided to hold the meeting of 1896 in Buffalo, commencing on Monday morning, August 24, at 10 o'clock. The annual election of officers was then held. Professor Edward D. Cope, of Philadelphia, was elected President of the Association. Professor F. W. Putnam, of Concord, Mass., was re-elected Permanent Secretary. Mr. Charles R. Barnes, of Madison, Wis., was elected General Secretary. Mr. R. S. Woodward, of New York City, was re-elected Treasurer. Professor William R. Lazenby, of Columbus, O., was elected Vice-President, and Mr. Richard T. Colburn, of Elizabeth, N. J., Secretary of Section I.

The last general session of the Association was held on Wednesday evening. The question of changing the name of Section I was again discussed, and the title "Sociology" was suggested. It was finally decided to adopt the name of "Social and Economic Science." The Permanent Secretary then read some statistics which showed that 367 members had been present, 185 new members were elected at this meeting, and 58 members were chosen to be Fellows. Forty-eight members and Fellows died during the past year.

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#### SOCIAL SCIENCE CONGRESS AT SARATOGA.

The American Social Science Association met this year at Saratoga, on September 2, and remained in session four days. The address of the President, F. J. Kingsbury, LL.D., of Waterbury,

Conn., dealt with "The Tendency of Men to Dwell in Cities." The report of the Secretary, Mr. F. B. Sanborn, after mentioning the death of Mr. John W. Carter, a director of the Association, and Professor Charles Seceretan, a corresponding member, spoke of modern socialism and its impracticable aims.

The Department of Education occupied the whole day, September 3, with papers on "Naval Education," by Commander C. F. Goodrich, U. S. N.; "The Hartford School of Sociology," by Rev. Dr. C. H. Hartranft, of Hartford; "Oxford University," by Professor Henry Ferguson, of Trinity College, Hartford; and "Education in the South," by President J. D. Dreher, of Roanoke College, Virginia.

In the Health Department on September 4, the Chairman, Dr. Frederick Peterson, of New York, gave an account of "The Craig Colony for Epileptics" at Sonyea, N. Y., of which he is at the head as chairman of the board of managers; Dr. L. Duncan Bulkley, of New York, made an argument for the "Legal Control of Syphilis;" Dr. Grace Peckham Murray, of New York, read a valuable paper on "The Relation of Education to the Cerebral Development of the Child;" Dr. J. W. Brannan, of New York, Secretary of the Department, gave a brief account of the "Use of Anti-Toxine in the Prevention and Treatment of Diphtheria," and Dr. T. M. Cheeseman, of Columbia College, gave, with stereopticon illustrations, the story of "The Bacteria," and the mode of studying their relations to health and disease.

On September 5, the Jurisprudence Department presented interesting papers on "The Swiss Referendum," by E. V. Reynolds, Esq., of New Haven, Conn., on "The Prison Labor Question in New York," by Eugene Smith, Esq., and W. P. Prentice, Esq., of New York, and on the political history and "The Jurisprudence of Mexico," by Walter S. Logan, Esq., of New York. The last was followed by a full statement, by Señor Romero, Minister of Mexico, at Washington, of the points of difference between the Mexican and the American methods of legal procedure, particularly as relates to criminals.

In the two Departments of Education and Jurisprudence, interesting remarks were made by the chairmen of the departments, President G. W. Smith, of Trinity College, in the former, and Professor Francis Wayland in the latter. Professor Wayland dwelt specially on the presence in the United States of at least 300,000 habitual criminals, against whom no sufficient precautions are taken by our courts, though their way of life is well known.

The two Departments of Social Economy and Finance met on the final day of the congress, September 7. In the first-named, two papers

were read by Mr. Edward T. Potter, of Newport, R. I., on "Summer Open-Air Teaching in Cities," and "The Problem of Concentrated Residence," practical illustrations of how the evils of tenement house life may be remedied, and how music may be heard and learned by large audiences in the open air, by means of the stereopticon. A report was also read by Mr. Joseph Lee, of Brookline, Mass., on "Trade Schools," introductory to a discussion of the subject at the next year's meeting.

The Finance Department held a long debate on the free coinage of silver, at which arguments were offered in succession by A. J. Warner, Esq., of Ohio; Hon. Josiah Patterson, of Tennessee; Joseph Sheldon, Esq., of New Haven, Conn.; Roswell G. Horr, Esq., of New Jersey; Professor A. B. Woodford, of New York; Senator Anthony Higgins, of Delaware; and Mr. Anson Phelps Stokes, the treasurer of the Association. This debate was opened by a statement from Professor J. W. Jenks, chairman of the Finance Department, on the present aspect of "The Silver Question in America and Europe."

The following officers were chosen for the year 1895-96:

President, F. J. Kingsbury, LL. D., Waterbury, Conn.; First Vice-President, Rev. Dr. H. L. Wayland, Philadelphia; General Secretary, F. B. Sanborn, Concord, Mass.; Treasurer, Anson Phelps Stokes, New York. Directors: John Graham Brooks, Cambridge, Mass.; T. M. North, New York; Edward T. Potter, Newport, R. I.; Eugene Smith, New York; Oscar S. Straus, New York; Seymour Dexter, Elmira, N. Y.; E. H. Avery, Auburn, N. Y.; John L. Milligan, Allegheny, Pa.; S. M. Hotchkiss, Hartford, Conn.; Homer Folks, New York. Department Officers: I. Education, Joseph Anderson, D. D., Waterbury, Conn., Chairman. II. Health, J. W. Brannan, M. D., 11 West Twelfth Street, New York, Chairman. III. Finance, Professor J. W. Jenks, Cornell University, Chairman. IV. Social Economy, F. B. Sanborn, Concord, Mass., Chairman. V. Jurisprudence, Professor Francis Wayland, New Haven, Chairman.

Various propositions having been made looking toward the union of other associations with the Social Science Association, a committee was appointed to consider and report on these matters, and on the future policy of the American Social Science Association. This committee consists of Dr. F. J. Kingsbury, Dr. A. D. White, of Ithaca, N. Y.; Professor F. Wayland, of New Haven; Mr. A. P. Stokes, of New York, and F. B. Sanborn, Concord, Mass. It was decided to hold the next meeting at Saratoga Springs in the first week of September, 1896.

F. B. SANBORN.

*Concord, Mass.*

## INTERNATIONAL STATISTICAL INSTITUTE.

The International Statistical Institute met at Berne from August 26 to 31st of the current year. In contrast to the last session at Chicago, the members were more numerous than the guests. It must be reckoned a success of the Berne session that nearly seventy-five of the members took part in the meetings. The sessions were followed with great interest by the economists and statisticians of Switzerland, a considerable number of whom were present as guests. Berne is moreover in some respects a most suitable place for such gatherings. The town offers but few distractions and thus favors the social intercourse which counts for so much.

The proceedings of the congress were in general sessions and in meetings of four sections treating respectively population, trade, agriculture, and social statistics.

The program of the general assembly follows:

## MONDAY, AUGUST 26.

Opening address of the President, Sir RAWSON W. RAWSON. CHEYSSON (Paris). *Survey of the Losses Inflicted on the Middle Classes by the Fall of Interest on Bonds, etc.*

SCHMOLLER (Berlin). *Incomes in the Past and the Present.*

\* KLECZNISKI (Cracow). *Statistics of Poland in Former Days.*

† CRUPENSKI (Bucharest). *Demography of Roumania.*

## TUESDAY, AUGUST 27.—Morning Session.

BODIO (Rome). *International Mortality Statistics.*

VACHER (Paris). *The Longevity of Families.*

LEXIS (Göttingen). *Causes of Statistical Regularities.*

TROINITSKY (St. Petersburg). *The Trans-Siberian Railroad.*

## Afternoon Session.

RAUCHBERG (Vienna). *The Electrical Machine Applied to the Census Analysis.*

BATEMAN (London). *The Labor Office.*

MORON (Paris). *Irregularity of Employment.*

\* GRUNER (Paris). *Labor Accidents.*

RASP (Münich). *International Savings Banks Statistics Grouped by Occupations.*

## Evening Session.

Public lecture on Statistical Laws, by v. MAYR (Strassburg).

\* Absent.

† Read by title.

## WEDNESDAY, AUGUST 28.—Morning Session.

DE FOVILLE (Paris). *Statistics of the Precious Metals.*

JUGLAR (Paris). *Commercial Crises.*

DENIS (Brussels). *International Organization of Labor Statistics.*

\* BILLINGS (Washington). *International Military Medical Statistics.*

## THURSDAY, AUGUST 29.—Morning Session.

TROINITSKY (St. Petersburg). *Russian Statistical Bibliography.*

TROINITSKY (St. Petersburg). *The First Census of Russia.*

† BORKOWSKY (St. Petersburg). *The Utilization of the Means of Communication in Russia.*

## FRIDAY, AUGUST 30.—Morning Session.

CRAIGIE (London). *International Statistics of Agricultural Products.*

INAMA-STERNEGG (Vienna). *Morphology of Agricultural Labor.*

† KÖRÖSI (Budapest). *A Method of Determining the Influence of Climatological Elements in the Appearance of Disease.*

KÖRÖSI (Budapest). *The Measure of the Density of Dwellings.*

LEVASSEUR (Paris). *Statistics of Forests.*

## Afternoon Session.

\* ENGEL (Berlin). *Comparative Statement of Workingmen's Budgets in Belgium.*

KIAER (Christiania). *On the Method of Representative Enumerations, Serving as a Type of the Entire Population of a State.*

† RASERI. *Comparative Statistics of Abandoned Children.*

† OLANESCO (Bucharest). *The Anthropometrical Department.*

## Evening Session.

Public Lecture on the *History of Demography*, by LEVASSEUR (Paris).

The papers did not comprise the entire proceedings of the assembly, as much time was devoted to reports of the various committees. Several motions having been presented to the Institute, they were discussed in the various sections and reported to the general assembly.

In consequence of the large number of papers the discussions of the papers and reports presented was of the most meagre kind. There

\* Absent, read in abstract.

† Read by title.

‡ Absent.

was very little worthy of special notice in this feature of the proceedings. The only exception to this statement was the short address of Mr. Herman Hollerith, of Washington, the inventor of the electrical census machine. After the paper of Dr. Rauchberg, who praised the excellencies of the machine, Mr. Hollerith gave a brief statement of the points in the machine which seemed capable of improvement. The invention has solved many knotty problems in statistical processes, and Mr. Hollerith's remarks were attentively followed and generously applauded.

Certain of the resolutions adopted by the assembly were of general interest. Upon the motion of Neymarck (Paris) a committee was appointed to examine the variations in the value of personal property and on the motion of Yvernès (Paris) a committee on the statistics of divorce. In his opening address the President had alluded to the difficulties in the action of international committees, and in the sections many members complained of the inefficiency of such an organization. Toward the latter part of the session the general assembly was reluctant to name new committees. Those who requested the formation of committees were therefore charged by the Institute with the presentation of reports at subsequent meetings on their own responsibility, after as much or as little consultation as they might desire with those members of the Institute who might be especially competent to aid in the work. It was hoped in this manner to secure more continuity in the labors of the Institute, than had been accomplished through the organization of committees.

The Section on Social Statistics took important action on the subject of wage statistics and the use of alcoholic liquors. Inama-Sternegg called attention to the inadequacy of the previous Vienna resolutions to secure good statistics of wages. He contended that the statistics of wages should be comprehensive, that is include all laborers for a given industry or a given district. He reported that such wage statistics were in contemplation in Austria and would soon be undertaken. While the section could not approve of his propositions in their entire rigor it was generally recognized that European wage statistics were for the greater part constructed on too narrow a basis, and with the formulation that such statistics should be as comprehensive as possible the section approved the propositions of the distinguished Chief of the Austrian Statistics.

Director Milliet, of the Swiss Alcohol Administration, proposed an international investigation into the statistics of the production and consumption of alcoholic liquors. He presented an elaborate formula, the purpose of which was to probe into these much quoted and very dubious figures, in order to form an appreciation of their statistical

value. After careful discussion and verbal amendment in the section it was favorably reported to the general assembly and there adopted.

It is impossible here to pick out more than a few salient points in a program which was remarkably rich. No sketch of the meeting could pretend to completeness, which did not report on the interesting work done in the sections on population, commerce and agriculture, which in their respective fields demonstrated anew, that the progress of international statistics though slow, could be accomplished by patient effort. Limited space permits only a reference.

In the first session of the Institute the following persons were elected to membership: Geering (Berne), Guyot (Paris), Mahielon (Brussels), Struve (St. Petersburg), Crupenski (Bucharest), Moron (Paris), Timiriazer (St. Petersburg), de Verschuer (Hague), and Julin (Brussels).

At the closing session the officers of the previous year were re-elected.

ROLAND P. FALKNER.

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#### PROPORTIONAL REPRESENTATION CONFERENCE.

The conference of the friends and advocates of proportional representation was held at Saratoga Springs, N. Y., on August 27 and 28. At the opening meeting at 10 a. m., on August 27, the Hon. William Dudley Foulke, President of the Proportional Representation League, delivered the opening address. This was followed by the reading of a paper submitted by the Hon. Leonard Courtney, M. P., of London, in which he set forth the principles which were below the recent political overturn in England. The following committee was then appointed to take into consideration the various plans of proportional representation: Hon. William D. Foulke, Hon. Simon Sterne, Mr. William H. Gove, Mr. M. N. Forney, and Professor John R. Commons. Another committee consisting of Mr. W. E. Gates, Mr. Stoughton Cooley, and Mr. M. N. Forney was appointed to consider the ways and means of bringing proportional representation before the public.

A communication was read from the Secretary of State in Washington, written in reply to one from the secretary of the conference, requesting that the United States' consuls in Switzerland, Belgium, Denmark, and England should report on the methods of securing proportional representation adopted in those countries. The letter stated that the consuls had been instructed to make such reports, and the results of the investigations would be communicated to the Proportional Representation League.

Letters were then read relating to the progress proportional representation has made and the methods which have been adopted and

are proposed in Europe. These letters were from Sir John Lubbock, M. P., London; Herr R. Siegfried, Koenigsberg, Prussia; M. Charles Burkley, Zurich; M. Ernest Naville, Geneva; M. Jules Carlier, Brussels; M. Jules Gfeller, Berne, and M. T. Curie, Versailles. Letters concerning the progress of proportional representation in this country were received from Mrs. Sophie E. Carlton, of Berkeley, Cal.; Mr. John H. Cain, of Cincinnati; Mr. Lucius F. C. Garvin, of Lonsdale, R. I.; Mr. George P. Carroll, of Bridgeport, Conn., and Dr. M. R. Levenson, of Port Richmond, Staten Island, N. Y.

A resolution was adopted to appoint a committee to form a central circulating library of proportional representation literature, the books to be sent through the mails to members. Mr. W. H. Gove, Dr. M. R. Levenson, and Professor J. W. Jenks were appointed.

At the afternoon session Hon. Simon Sterne, of New York, delivered an address, in which the evils of the existing electoral system were set forth. He stated that the advocates of proportional representation must go before the public with a concrete embodiment of a method for securing proportional representation. He then explained at considerable length the D'Hondt system proposed to the Belgian Parliament. Mr. Gove then read a paper on "Some Principles Underlying Proportional Representation."

At the morning session on August 28, Mr. William E. Gates, of Cleveland, O., read a paper on "The Adaptation of the Free List System to American Conditions." Mr. Foulke then presented resolutions intended to give a succinct statement of the reasons why the reform is demanded. Mr. Sterne argued against a single vote for candidates which was proposed, and in favor of a plural vote. Dr. Levenson argued in favor of the Hare plan and if that was not acceptable he advocated the Gove plan. Mr. Gove was in favor of the single vote. Professor Commons argued for the adoption of the Swiss system with the plural vote. The resolutions and addresses were finally adopted in the following form:

"The American Proportional Representation League calls public attention to the numerous defects of our present system of representation which divides the community into districts each electing one member to our various deliberative bodies, municipal, legislative and Congressional.

"1. By this system every member of a minority party in each district remains politically unrepresented. There is a vast and unnecessary waste of votes cast for defeated candidates.

"2. It depends wholly upon the construction of the districts and often upon mere chance, whether the wishes of the majority of the people are reflected by the representative body. Often, by means of the gerrymander, the popular will is purposely thwarted by those in temporary possession of legislative power, for the purpose of securing large and unfair majorities and of retaining permanent control of the representative body.



"3. Men who think alike and desire to vote together are prevented from co-operating by arbitrary district lines, and by the same means voters are thrown together who are not limited by common sentiments and interests and who cannot properly select any common representative.

"4. By creating closely contested districts where the change of a few votes will alter the result, the present system furnishes special facilities for carrying elections by the bribery of a small percentage of electors.

"5. The election of representatives from small districts leads to the selection of small men, 'available candidates' of weak convictions, poor talents, whereby the character of the representative body is greatly impaired.

"6. In place of the district system the Conference of the League held at Saratoga, August 27, 1895, invites consideration of the system now in operation in several of the Swiss cantons, where the people are divided into large constituencies, each one of these electing a number of representatives by means of proportional representation. The entire vote in each constituency is divided by the number of members to be elected from each. This gives the quota of representation or the number of voters who are entitled to one representative. Each party then receives as many representatives as it has quotas in the vote polled. The candidates in the list of each party who receive the highest number of votes are the ones returned. Any candidate receiving an independent nomination is treated as a separate party. This Conference recommends the Swiss system as applicable to our institutions and to our present Australian system of voting. It has been found practically successful after the trial of four years in Switzerland, where it has given a just system of representation and has elevated the character of legislative assemblies.

"7. The Swiss system secures greater liberty to the voter by allowing him to choose his candidate from all parts of a large constituency, instead of from a small one electing a single member. It requires just representation, it makes the gerrymander impossible, it lessens corruption, it greatly diminishes the number of wasted votes and the disaffection of a hopeless minority, and it secures men of greater independence and higher character for the representative body.

"We especially recommend this system for early adoption in our various municipal elections."

A committee, consisting of Professor Commons, Mr. Cooley, and Professor Jenks, was appointed to examine into the Swiss methods, and the proper plan of adapting them to the Australian ballot system and to our institutions, and the committee was authorized to publish the same for purposes of information only.

The same officers of the American Proportional Representation League were re-elected, as follows: President, Hon. William Dudley Foulke, of Richmond, Ind.; Vice-Presidents, Mr. Charles Francis Adams, of Boston, Hon. T. L. Johnson, of Cleveland, O., and Mr. William Lloyd Garrison, of Boston; Secretary and Treasurer, Mr. Stoughton Cooley, of Chicago.

In addition to the papers read at the meetings, the following papers were submitted to the conference: "A Suggested Modification of the Hare System," by Mr. Henry W. Williams, of Baltimore; "The Double Vote," by Dr. Jean Du Buy, of New Haven, Conn.; "Organization Representation," by Mr. C. Henderson Smith, of

Galena, Ill.; "Emancipation of the Voter," by Mr. Charles Francis Adams, of Boston; "The Ticino Plan of Proportional Representation," by Mr. Edmond Kelly, of New York City; "Some Considerations for the Proportional Representation Conference," by Dr. L. B. Tuckerman, of Cleveland, O.; "Proportional Representation in Presidential Elections," by Hon. William H. Springer, of Muskegon, Ind. Ter.; "Proportional Representation," by Mr. H. Claes, of Malines, Belgium; "Swiss System of Representation," by Mr. Stoughton Cooley, of Chicago. Papers were also submitted by Mr. Alfred Cridge, of San Francisco, and by Mr. John M. Berry, of Millbury, Mass.

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#### THE INTERNATIONAL DEEP WATERWAYS CONVENTION.

The first annual convention of the International Deep Waterways Association was held at Cleveland, O., on September 24, 25 and 26. The main object of the convention was the formulation of a series of scientific papers that should present the question of deep waterways in such a manner as to form a text-book for the popular presentation of the subject for all future time. The following was the program of the meeting:

1. "International Comity and Co-operation"—Annual address of President O. A. HOWLAND, M. P. P., Toronto.
2. "Historical and Critical Statement of the Deep Water Movement"—Report of the Executive Secretary, Hon. FRANK A. FLOWER, Superior, Wis.
3. "Economics of Deep Water Transportation"—Hon. F. W. WHEELER, ship builder, West Bay City, Mich.
4. "Ultimate Effect of Deep Water from the Great Lakes to the Sea" on—
  - a. The Development of Our Mineral Resources, CHARLES RICHARD VAN HISE, Ph. D., Professor of Geology, University of Wisconsin.
  - b. Domestic Iron Mining, Hon. MARTIN PATTISON, owner of Vermillion range Bessemer mines, Superior, Wis.
  - c. Iron and Steel Manufacturing, ARTHUR J. MOXHAM, president of the Johnson Co., Lorain and Cleveland, O., and Johnstown, Pa.
  - d. Domestic Lumber and Timber Trade, RICHARD R. DOBELL, of Dobell, Beckett & Co., Quebec, and Richard R. Dobell & Co., London, timber exporters, Quebec; also, A. L. CROCKER, President Minneapolis Board of Trade and Chairman Executive Board International Deep Waterways Association.

- e. The Grain and Flour Business, LOU R. HURD, secretary and manager of the Daisy Roller Mill Co., Superior, Wis.
- f. Agricultural Interests, Hon. HENRY C. HANSBROUGH, United States Senator from North Dakota, Devil's Lake.
- g. Domestic Ship Building, GEORGE TUNELL, Fellow in economics, University of Chicago, Albert Lea, Minn.
- h. Railway Traffic and Earnings, EMORY R. JOHNSON, Ph. D., Instructor in Transportation and Commerce, University of Pennsylvania, and Instructor in Economics, Haverford College; also, LEWIS M. HAUPT, A. M., C. E., canal and railway builder, Philadelphia.
- i. Lakeboard and Seaboard Cities, E. V. SMALLEY, President St. Paul Chamber of Commerce, and proprietor *Northwest Magazine*, St. Paul.
- 5. "Necessities and Advantages of a Ship Canal from the Great Lakes to the Sea"—DENISON B. SMITH, Secretary Toledo Produce Exchange, Toledo.
- 6. "Volume and Value of Commerce Tributary to an Enlarged Interior Waterway"—JAMES FISHER, Q. C., M. P. P., Winnipeg.
- 7. "New York and Deep Water to the Great Lakes"—Dr. ALBERT SHAW, editor *Review of Reviews*; also, THOMAS C. CLARKE, C. E., M. A. S. C. E., M. A. S. M. E., M. A. I. M. E., M. I. of C. E. of Great Britain, New York.
- 8. "Western Needs of Cheaper Bulk Transportation"—E. ROSEWATER, editor *Omaha Bee*, Omaha.
- 9. "High Sea Rules and Regulations on the Great Lakes"—Lieut. GEORGE P. BLOW, U. S. N., Chicago.
- 10. "Regulation of the Outflow and Levels of the Great Lakes"—GEORGE Y. WISNER, C. E., M. A. S. C. E., Detroit; also, THOS. T. JOHNSON, assistant chief engineer of the Chicago Canal; also, G. W. BLAISDELL, Waverly, O.
- 11. "Relation of Drift Deposits to Canal Routes"—Professor G. F. WRIGHT, Oberlin, O.
- 12. "Comparative Study of Modern Ship Canals"—CHARLES FRANCIS, C. E., M. A. S. C. E., Davenport, Ia.
- 13. "Pneumatic and Hydraulic Locks"—CHAUNCEY N. DUTTON, C. E., general manager Maritime Canal of North America, Washington, D. C.
- 14. "Is a Type of Vessel to Navigate Fresh and Salt Water Practicable?"—JOSEPH R. OLDHAM, N. A., M. E., Cleveland.
- 15. "Modern Methods of Canal Excavation"—ISHAM RANDOLPH, C. E., chief engineer, Chicago sanitary and ship canal, Chicago.

16. "Cost, Character and Utility of Existing Great Lakes, St. Lawrence and Champlain Improvements"—THOMAS C. KEEFER, C. E., ex-chief engineer of the Dominion of Canada, Ottawa.
17. "Necessity for a Ship Channel to New York"—THOS. P. ROBERTS, C. E., Pittsburgh.
18. "Effect of Cheaper Transportation upon Civilization and Christianity"—Archbishop JOHN IRELAND, St. Paul.
19. "Basis for Co-operation by the United States and Canada in Canal Construction and Management"—Hon. FRANK A. FLOWER, Superior, Wis.
20. "Ultimate Development of Water Transportation"—LYMAN E. COOLEY, C. E., trustee, Chicago sanitary and ship canal, Chicago.

Each paper was printed in advance in full to facilitate discussion. Most of the papers were read only in abstract.

The first session was held on Tuesday afternoon, September 24, and was devoted to the address of welcome by Mayor R. E. McKisson, of Cleveland, and the responses on behalf of the Association by President O. A. Howland; on behalf of the United States, by Mr. E. V. Smalley, President of the St. Paul Chamber of Commerce; and on behalf of Canada, by Hon. James Fisher, of Winnipeg. The secretary then read a number of letters of regret. This was followed by an address by Mr. Thomas H. Canfield, of Burlington, Vt., the pioneer of the deep waterways movement.

At the evening session, President Howland delivered his annual address (No. 1 on the program). As indicated by its title, he dwelt more particularly upon the international aspects of the work of the Deep Waterways Association.

At the session on Wednesday morning, Mr. Ambrose P. McQuirk, Chairman of the Committee on Credentials, announced that there were present three hundred and thirty delegates from fifteen States and Provinces. Mr. Thomas Munro was the official representative of the Canadian government at the convention, and Lieutenant George P. Blow, U. S. N., the official representative of the United States. Mr. Richard R. Dobell and Mr. A. L. Crocker then presented their papers (No. 4 *d* on the program). They were followed by Mr. D. B. Smith, who read his paper (No. 5). Hon. James Fisher then presented his paper (No. 6), and Mr. George Y. Wisner his paper (No. 10). In the absence of Mr. A. J. Moxham, his paper (No. 4 *c*), was read by Mr. Charles E. Wheeler.

In the afternoon, Secretary Flower read the paper prepared by Dr. Emory R. Johnson (No. 4 *h*). Professor Haupt then presented his

paper upon the same subject. Mr. Thomas T. Johnson and G. W. Blaisdell followed with their papers (No. 10). After this, the probable effect of the Chicago canal on the lake levels was discussed by the convention. Mr. B. A. Eckhart, of the Chicago Chamber of Commerce, Mr. M. M. Drake, of Buffalo, and Mr. L. E. Cooley, the United States Vice-President of the Association, took part in the discussion.

At the Wednesday evening's session, Mr. William Jennings, of Toronto, read the paper written by Mr. Thomas C. Keefer (No. 16), and Mr. Joseph R. Oldham read his paper (No. 14). Mr. Frank Winter, President of the Chicago Drainage Board, then addressed the convention in defence of the Chicago canal. He was followed by Captain Alexander McDougal, the builder of the "whaleback" steamers, who argued that it would not pay to build or use vessels adapted for both lake and ocean service. Mr. I. Randolph then read his paper (No. 15).

At the session on Thursday morning, the officers of the Deep Waterways Association were re-elected for the ensuing year. They are as follows: International President, Hon. O. A. Howland, M. P. P., Toronto; United States Vice-President, Mr. L. E. Cooley, C. E., Chicago; Canadian Vice-President, Hon. James Fisher, Q. C., M. P. P., Winnipeg; Executive Secretary, Hon. Frank A. Flower, Superior, Wis.; Treasurer, Captain J. S. Dunham, Chicago.

The following members of the Executive Board were re-elected: A. L. Crocker, Minneapolis; Frank A. Flower, Superior, Wis.; Captain J. S. Dunham, Chicago; James Conmee, Port Arthur, Ont.; Hon. H. W. Seymour, Sault Ste. Marie, Mich.; R. R. Dobell, Quebec; Thomas H. Canfield, Burlington, Vt.; D. B. Smith, Toledo; and Hon. S. M. Stephenson, Menominee, Mich., and the following new members were added to the board: George H. Anderson, Pittsburgh; E. C. O'Brien, New York; A. P. McQuirk, Davenport, Ia.; E. V. Smalley, St. Paul; A. H. Burke, Duluth; Don M. Dickinson, Detroit; Ryerson Ritchie, Cleveland; Frank Hearne, Wheeling, W. Va.

The first paper of Thursday, the twenty-sixth, was by Mr. George Tunell (No. 4 *g*). In the debate which followed, Mr. Alexander R. Smith, of New York, argued that the prosperity of foreign shipping was due to subsidies. The question of enlarging the Erie canal so as to make a ship canal of it, was then discussed. Mr. C. N. Dutton, of Washington; Mr. G. Lindenthal, of New York; Professor L. M. Haupt, of Philadelphia; Mr. J. A. C. Wright, of Rochester; Mr. Thomas P. Roberts, of Pittsburgh; Mr. A. R. Smith, of New York; Mr. D. B. Smith, of Toledo, and Hon. H. W. Seymour, of

Sault Ste. Marie, Mich., took part in the discussion, the general impression being that it was not practicable to make a waterway for ships out of the Erie canal.

At the afternoon session a number of short speeches were made by some of the prominent delegates. The Committee on Resolutions then made its report through its chairman, Mr. L. E. Cooley. The resolutions adopted by the convention are as follows:

Recognizing the supreme utility of deep waterways through the great lakes and thence to the sea, and reaffirming in full the platform adopted at the organizing convention held at Toronto in 1894, the International Deep Waterways Association, in first convention assembled, declares as follows:

1. That the public welfare demands the deepest practicable channels between the several lakes and to the seaboard to enable vessels of the most economical type to pass between lake ports, or between the lakes and the seaboard or to foreign waters, without the necessity of trans-shipment.

2. That the said requirements call for a least depth of twenty-one feet in all channels and the building of all permanent structures for a navigable depth of twenty-six feet or more in order that the water courses may be progressively and economically deepened to the ultimate necessities of traffic.

3. That the prompt action of the Congress of the United States and the government of the Dominion of Canada providing for a joint commission to investigate and report upon the establishment and maintenance of deep water between the great lakes and the sea, conformably to the resolution adopted at Toronto in 1894, is a matter for congratulation, and that in view of the extended scope and great importance of the subjects to be examined by the said commission, this convention urges that the most liberal provision be made for the necessary expenses.

4. That the broadening of the channels through the connecting shallows between Lakes Erie and Huron and Lakes Huron and Superior, as recommended by lake carriers, is urgently demanded by the interests of commerce and is in line with the progressive development of a great trunk water route.

5. That the international interest in the great fresh water seas of the American continent and in the ship routes joining them to the ocean is recognized and that the use of their waters and the control of their levels are proper subjects for international regulations.

6. That pending the development of the best deep channel or channels to the ocean, the promised early completion by the Canadian government of the St. Lawrence canals, if possible with lengthened locks, will result in marked benefit to international commerce and to the producers of the interior; likewise, that the movement in the State of New York toward lessening the cost of transportation to tide water by improving the Erie canal, which must have a permanent value, is noted with satisfaction by this convention.

7. That with respect to the several resolutions offered concerning local canal projects all enterprises designed to extend marine commerce through lateral routes tributary to the great lakes system are to be encouraged.

That this convention calls special and renewed attention to the desirability of establishing a permanent international court as set forth in the organizing convention in Toronto in 1894.

The place and time of holding the next meeting were referred to the Executive Board.

## THE NATIONAL PRISON ASSOCIATION.

The Annual Congress of the National Prison Association for the year 1895 met in Denver from September 14 to September 18. The first session was held on the evening of Saturday, September 14; the Hon. Charles D. Hayt, Chief Justice of the Colorado Supreme Court, presided. Addresses of welcome were delivered by the Governor, Hon. Albert W. McIntire, and the Mayor of Denver, Hon. Thomas A. McMurray. The President of the Association, General R. Brinkerhoff, then delivered the annual address.

On Sunday morning, September 15, Rev. William F. Slocum, D. D., President of the State Board of Charities and Corrections, delivered the annual sermon before the congress. His subject was, "The Element of Justice in Charity." On account of the absence of both the Rev. Fred. H. Wines and Miss Jane Addams, their papers on "The Methods for the Prevention of Crime" were not presented to the congress at the Sunday evening session. This session was devoted to short addresses by a number of prison chaplains, including the Rev. Dr. Hickox, of Michigan, Chaplain Albert, of Minnesota, and Chaplain Bradshaw, of Pennsylvania.

On Monday morning, September 16, the Wardens' Association held its meeting. Colonel R. S. Allen, Warden of the State Penitentiary at Joliet, Ill., read the first paper; his subject was, "The State Account System of the Employment of Convicts in the Penitentiary." This was followed by a paper on "The Parole System in the Penitentiary," read by the Rev. Henry Wolfer, Warden of the State Prison at Stillwater, Minn. In the absence of Hon. Warren F. Spalding, of Boston, his paper on "The State Prison Parole" was read by a colleague. The paper by Major R. W. McClaughy, entitled "An Interview with M. Bertillon," which was on the program for this session, was not presented to the congress. In place of this Mr. J. S. Appel, of the Colorado State Board of Charities and Corrections, told of the unsuccessful efforts made to pass an indeterminate sentence bill through the last session of the Legislature.

The Chaplains' Association met on Monday afternoon, when the following program was carried out:

Annual address by the President, Rev. GEORGE H. HICKOX, D. D., Chaplain Michigan State Prison, Jackson, Mich., on "The Responsibility of the Chaplain."

A paper by Rev. J. H. ALBERT, Chaplain of the State Prison, Stillwater Minn., on "Barriers Against Crime."

An address by the Secretary of the Chaplains' Association, Rev. WILLIAM J. BATT, Concord Junction, Mass., on "A Few Prison Problems."

General discussion of the papers.

The paper by Professor Amos G. Warner, on "Politics and Crime," was read at the Monday evening session by Mr. John W. Dryden, of

Kearney, Neb. It created a considerable sensation, by reason of the fearless manner in which the question of blackmail by the police was discussed.

The sessions on Tuesday morning and afternoon, September 17, were devoted to miscellaneous business and hearing reports of the standing committees on Prison Discipline, on Discharged Prisoners, and on Prevention and Reformatory Work. In the evening, Rev. J. H. Crooker, of Helena, Mont., delivered an address on "The Ethical Aspect of Crime."

Wednesday, September 18, the last day of the congress, was devoted to hearing committee reports in the morning and in the afternoon. In the evening, Mr. Z. R. Brockway, Superintendent of the New York State Reformatory, delivered an address.

The question as to the place of meeting in 1896 was left to the decision of the Executive Committee. Grand Rapids, Mich., seemed to find the most favor.

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#### VACATION COURSES IN ECONOMICS AND POLITICS.

There is no better evidence of the growing popular interest in economic and political subjects than the attention given to them in the programs of the various schools, conventions and meetings which have become such a characteristic feature of American summer life. The number of associations devoted to the study and investigation of the important problems of our social and political life, has become very large and their meetings very frequent. The gatherings of such associations, however, are attended chiefly by persons who make more or less of a profession of either the science or art of the respective subjects; they do not, of course, furnish an adequate index of the public or popular interest in such questions. The fact, however, of such an interest is proven by the large number of classes and clubs formed in the various communities for the study of some one or another of the great questions of theory or practice which vex our modern society, and the students belonging to these classes or groups find it necessary at some time in the year, if possible, to meet with other like-minded persons for a longer or shorter session of serious study of such problems under the direction of experts. Thus, the various associations or institutions which provide for summer meetings, find it necessary to increase steadily the share of attention given to the subjects under discussion.

Such an institution as Chicago University, which undertakes to carry on its regular educational work through four quarters in the year, provides, of course, opportunities for the study of economics



## VACATION COURSES IN ECONOMICS AND POLITICS. 187

and politics during the three summer months in the same generous way as during the other three-quarters of the year. The various Chautauqua assemblies, now held in so many different States, find it necessary to make special and liberal provision for lectures and courses in this department, and a full report of the work which they are doing can be found in the official publications of that group of organizations.

In addition to these facilities for the pursuit of such subjects during the vacation, there were in the summer of 1895 three notable centres for such study, namely, the University Extension Summer Meeting at Oxford, England; the corresponding American meeting at the University of Pennsylvania, Philadelphia; and the School of Applied Ethics at Plymouth, Mass.

### *Vacation Courses in Economics and Politics at Oxford.*

The following statement of courses in Economics and Politics, given at Oxford during the University Extension Summer Meeting, has been furnished by Mr. J. A. R. Marriott, secretary to the delegates :

LECTURER.	NAME OF COURSE.	NO. OF LECTURES.	AVERAGE NO. OF STUDENTS.
Graham Wallas	English Towns in 18th Century	3	450
Rev. T. W. Fowle	The Poor Law in 18th Century	3	185-200
L. L. Price	Adam Smith	1	250
Sir R. Pearce Edgcumbe	Currency	2	200
J. A. Hobson	*Economics	6	200

"No precise record of attendance is kept; the figures in the last column are, therefore, only approximately correct, but they serve to illustrate what is otherwise remarkable, the very great interest which is taken in the study of economics. Each year of late we have given to economics a more and more prominent place in our program of summer meeting studies, and each year our students, I think I may affirm with confidence, have shown themselves more and more eager to avail themselves of the lectures provided for them. The general idea underlying the arrangement of courses at the present summer meeting has been this: First, during the earlier portion of the meeting to lay a foundation of economic history in relation to the eighteenth century, and then, in the latter part, to follow this up by a course of more advanced lectures on the development of economic theory between Adam Smith's day and our own."

\*Cost theory of value, theory of rent, wages, capital and interest, division of labor, free trade, wealth.

The London School of Economics and Political Science, an account of which was given in the September number of the ANNALS,\* proposes to organize a similar series of vacation studies for next year in London.

*Vacation Courses in Economics and Politics at Philadelphia.*

The American Society for the Extension of University Teaching recognized from the very first inception of its work, that as the education of the citizen was perhaps as good a formulation of the general idea underlying the extension movement as could be made, so in its work special facilities should be provided for the study of economics and politics.

Its first President, Professor Edmund J. James, was known for his interest in the better training of our citizens in such subjects. One of the first staff lectureships established by the society was that in Economics, filled by the appointment of Dr. Edward T. Devine, who subsequently became Secretary of the Society. The growing recognition on the part of the Society that its work must, to a large extent, consist of efforts to broaden and deepen the conception of the education of the citizen, was seen in the conversion of its official publications entitled, *The University Extension Magazine*, and *The University Extension Bulletin*, into a periodical entitled *The Citizen*.

When the society found it necessary to organize a Summer Meeting, it made liberal provision from the very beginning for the new subjects of study, and the session which was held during July at the University of Pennsylvania, gave special emphasis to the work in Civics and Politics.

Professor Woodrow Wilson, of Princeton University, gave a course of five lectures on "The Constitutional Government of the United States;" Professor J. W. Jenks, of Cornell University, a course of five lectures on "Politics in the Modern Democracy;" Professor Henry Carter Adams, of the University of Michigan, a course of five lectures on "Relation of the State to Industrial Society."

Professor Edmund J. James, of the University of Pennsylvania, delivered a course of ten lectures on "The American Citizen: His Privileges and Immunities;" Dr. Talcott Williams, of the Philadelphia Press, two lectures on "Political Parties;" Professor Albert B. Hart, of Harvard University, three lectures on "American Politics;" Professor William G. Sumner, of Yale University, two lectures on "Militarism" and "Industrialism."

\* ANNALS, September, 1895. Pp. 87-93.

Dr. Albert A. Bird, Staff Lecturer to the University Extension Society, gave five lectures on "The Municipal Government of Philadelphia;" Professor E. R. L. Gould, of Chicago University, three lectures on "Social Problems of Cities;" Professor William Bayard Hale, of Middleboro, Mass., five lectures on "Social Ideas and Social Realities;" Professor Roland P. Falkner, of the University of Pennsylvania, two lectures on "The Relation of the State to Crime;" Dr. Edward Everett Hale, of Boston, four lectures on "Social Reform."

Mr. Clinton Rogers Woodruff, Secretary of the National Municipal League, gave two lectures on "Municipal Reform Associations;" Colonel A. K. McClure, of the Philadelphia *Times*, one lecture on "Abraham Lincoln as a Statesman;" Professor Bernadotte Perrin, of Yale University, a course of five lectures on "Greek Statesmen;" Professor William A. Hammond, of Cornell University, two lectures on "Plato and Aristotle as Political Thinkers," and Professor William A. Lamberton, of the University of Pennsylvania, on "Greek Conception of Man, Political." It will be seen that this program was not only an unusually rich one, but that it was well thought out, the various parts being carefully considered.

*Vacation Courses in Economics and Politics at Plymouth, Mass.*

The School of Applied Ethics, which held its fifth session from July 7 to August 9, 1895, at Plymouth, Mass., has given from the very beginning a liberal share of attention to economic and social topics. We are indebted to Professor Henry C. Adams, of the University of Michigan, and Dean of the school, and to Mr. S. Burns Weston, Secretary and Treasurer, for the data of the following notice:

The leading feature was a treatment from three different points of view of the functions of government so far as they are determined by industrial considerations. Professor John B. Clark, of Columbia College; Professor Henry C. Adams, of the University of Michigan; and Professor J. W. Jenks, of Cornell University, represented the three different points of view. Professor Clark gave a course of five lectures on "The Relation of Economics and Politics;" Professor Adams, a course of similar length on "The Relation of Government to Industry," and another of four lectures on "Taxation: Its Political, Industrial and Social Significance;" Professor Jenks three lectures on "The Comparative Study of Industrial Legislation." Professor E. R. L. Gould, of Chicago University, gave five lectures on "Industrial Labor in Europe and the United States;" Professor Arthur T. Hadley, of Yale, three lectures on "Economic Terms."

One day was devoted to a labor conference, in which Mr.

MacNeil and Mr. Carlton, of Boston; Mr. King, of New York; Mr. McGuire, of Philadelphia, and others took part. The views expressed were conservative, earnest and hopeful.

Professor Felix Adler gave a course of six lectures on "The Ethical Aspect of Some Labor Problems;" Mr. F. J. Stimson, of Boston, four lectures on "The Growth and Tendency of the Law upon Labor Questions;" Mr. W. L. Sheldon, of St. Louis, two lectures on "Social Reform;" Mr. A. Lawrence Lowell, of Boston, three lectures on "The Referendum in Europe and the United States;" Rev. Dr. H. L. Wayland, of Philadelphia, on "The Relation of State and Church."

The number of men in attendance was considerably larger this year than ever before. They consisted chiefly of clergymen, college instructors, teachers, graduate students, lawyers, physicians and journalists.

## NOTES ON MUNICIPAL GOVERNMENT.

[This department of the *ANNALS* will endeavor to place before the members of the Academy matters of interest which serve to illustrate the municipal activity of the larger cities of Europe and America. Among the contributors are: James W. Pryor, Esq., Secretary City Club, New York City; Sylvester Baxter, Esq., Boston *Herald*, Boston; Samuel B. Capen, Esq., President Municipal League, Boston; A. L. Crocker, Esq., President Board of Trade, Minneapolis; Victor Rosewater, Ph. D., Omaha *Bee*, Omaha; Professor John Henry Gray, Chairman Committee on Municipal Affairs, Civic Federation, Chicago; Jerome H. Raymond, Ph. D., University of Wisconsin; F. L. Siddons, Esq., Washington, D. C.; Donald B. MacLaurin, Esq., President Civic Federation, Detroit, Mich.; Professor A. C. Richardson, Buffalo, N. Y.; M. B. May, Esq., Cincinnati, Ohio; W. B. Spencer, Esq., New Orleans; William H. Parry, Esq., Comptroller City of Seattle, Wash.]

### AMERICAN CITIES.

#### *The Development of the Street Railway System.*

Several recent publications have furnished interesting material tending to show the remarkable development of the street railway system in the United States, but more especially the change from horse and cable to electric motive power. One of the most complete and recent of these compilations appears in the *Street Railway Journal* for July, 1895.\* The statistics of different sections of the country give the following data:

	Miles of Track.				Capital Stock.	Funded Debt.	Total Capital Liabilities.
	HORSE.	ELECTRIC.	CABLE.	MISCELLANEOUS.			
N. E. States .	168	1,392			\$53,778,300	\$43,546,000	\$97,324,300
Eastern States .	567	3,189	157	189	348,194,073	249,318,505	597,512,578
Central States .	555	3,578	252	134	222,641,025	173,567,500	396,208,525
Southern States .	214	743	6	213	33,155,725	23,578,900	56,734,625
Western States .	410	1,401	217	143	90,245,083	62,114,600	152,359,683
United States .	1914	10,363	632	679	748,014,206	552,125,505	1,300,139,711

From these figures it will be seen that at the present time over seventy-five per cent of the street railways of the country have adopted electricity as a motive power. The changes, however, are going on so rapidly that the statistics of a few months later might have increased this percentage materially.

\* *Street Railway Journal*. Published by the Street Railway Publishing Company, Havemeyer Building, New York City.

Another remarkable fact which these figures show very clearly is the high capitalization of the roads. The report of the Interstate Commerce Commission shows that the average per mile capitalization of the steam railroads is but \$60,200, about 33½ per cent less than the electric roads which show a capitalization of over \$95,000 per mile. In this respect the different States show very considerable discrepancies. Thus, in the New England States the total capital liabilities, per mile of track, is highest in Rhode Island with \$146,800 and lowest in New Hampshire with \$15,700. In the Eastern States, New York leads with \$207,100 while Delaware is lowest with \$37,200 per mile. In the Central States, the per mile capitalization is highest in Illinois with \$128,500; lowest in Michigan with \$43,100. In the Southern States, Louisiana leads with \$113,400, while the lowest point is reached in Mississippi where the per mile capitalization is but \$10,300. In the Western States, the highest point is reached in California with \$101,100; the lowest is South Dakota with \$12,100. As a result of this high capitalization, there is a wide discrepancy in the relation between total steam railroad mileage and total street railway mileage on the one hand, and between total steam railroad capitalization and total street railway capitalization on the other. As regards the former, a recent compilation shows that with 178,700 miles of steam railway there are but 13,588 miles of street railway. In other words, a relation of nearly fourteen to one. As regards the capitalization, however, the ratio is as \$10,796,473,813 is to \$1,300,139,701, that is, about as eight to one.

**New York City.**—The approaching elections promise to put the independent reform organizations, but more especially the Good Government Clubs, to a very severe test. The officers to be elected are County Clerk, Register, three Justices of the Supreme Court, two Judges of the Court of General Sessions and three Justices of the newly constituted City Court. For some time past several prominent members of the Executive Committee of the Confederated Good Government Clubs, have been endeavoring to promote sentiment in favor of a union of all the Anti-Tammany forces. In the report of the committee submitted to the nominating convention eleven members favored such a course whereas a minority report signed by nine members advocated the nomination of an independent ticket. After a heated debate the minority proposition was adopted. Thus the Good Government Clubs have definitely broken with all of the existing political parties, standing on the principle that any alliance is certain to introduce a partisan element and thus defeat one of the main ends of the organization. This action has been the subject of

severe criticism by some of the older members of the reform movement, who look upon it as the inconsiderate action of youthful enthusiasts. Immediately after this action was taken by the Good Government Clubs, the Chamber of Commerce, through its Committee of Fifty, determined to confer with the regular Republican organization for the purpose of placing a fusion ticket in the field. After several conferences, a compromise ticket was agreed upon, in which certain concessions were made to partisan considerations. These candidates the Good Government Clubs have refused to accept, so that at present the Anti-Tammany forces are so divided as to make the success of Tammany Hall in the coming election extremely probable. Whatever the outcome of the struggle may be, the Good Government Clubs will have the satisfaction of maintaining and strictly adhering to the principle of non-partisanship, which is the fundamental plank in their platform. The candidates they have placed in the field are recognized as meeting the highest standards of qualification. The same can hardly be said for the fusion ticket.

**Philadelphia.**—On the first of October, the consolidation of nearly ninety-five per cent of all the street railway lines of Philadelphia was effected. From that date the three great companies, controlling about 420 out of a total of 470 miles of street railway, are united under the name of the Union Traction Company. This process of consolidation has been going on with great rapidity since 1883. The incorporation of the three important companies—Philadelphia Traction Company, Electric Traction Company and Peoples' Traction Company—marked a new era in the history of the street railway system of Philadelphia. With almost unlimited capital at their disposal, these companies were enabled to effect rapid changes in the equipment of the roads, and also great improvements in the service. While the new arrangement practically amounts to consolidation, the actual process has been first a consolidation of the Electric Traction and the Peoples' Traction under the name of the Union Traction Company, which latter company has leased the Philadelphia Traction Company's lines for a period of 999 years. This lease, which was signed on the 7th of October, provides that all the lines formerly leased to the Philadelphia Traction Company are now to be placed under the control of the new company. For this, the Union Traction Company agrees to pay an annual rental of \$1,600,000 in gold coin, and, furthermore, to assume all contracts and pay all debts, with the exception of the bonded indebtedness of over \$1,000,000, which is to be gradually liquidated by the Philadelphia Traction Company; in return for which this company is to receive the collateral securities deposited to insure the

payment of this debt. The new company whose capital stock, mileage and rolling stock are far greater than any other company in the United States, will have an opportunity to greatly extend the single-fare transfer system and also to extend the lines. But the vast corporate powers thus formed will call for a far greater control over the companies by Councils and the Department of Public Works than has heretofore been the case. In this respect the past experience of the city does not enter as the most encouraging element.

Various ordinances recently introduced into Councils give evidences of a tendency on the part of a section of that body to require some adequate return for franchises granted. The most recent of these is a public telephone ordinance, which, if passed, will assure to the city an efficient service, at such rates as to bring this convenience within the possibilities of a large portion of the population. The ordinance calls for the sale of the privilege to construct, maintain and operate a telephone system, requires the company to specify what percentage of gross receipts they will agree to pay, and also the rates to be charged the public for the service. The ordinance furthermore provides for a free service to be maintained in all of the city's public buildings, and places a suitable safeguard to protect the city from financial losses through an adequate capitalization.

The street railway companies, which, during the year 1894, have laid over 131 miles of improved pavements, have recently entered a protest against the destruction of the asphalted streets through excavations made by telephone and telegraph companies, as well as by various city departments. In this movement, the Philadelphia Traction Company has taken the lead. In a communication of the president, to the Mayor of the city, Mr. Widener threatens to disclaim all responsibility for the condition of the streets, unless all persons and corporations who are permitted to open the streets be also required to thoroughly repave them from curb to curb. The problem is a serious one inasmuch as a great part of the paving was hurriedly done, leaving but little time for the laying of conduits, water and gas pipes, and for repair of the same.

The Annual Report of the Board of Managers of the Municipal League of Philadelphia has just been published. The work of the year has been especially fruitful in strengthening the central organization, and in increasing the number and importance of the ward associations. Of these latter there are fifteen, an increase of five over the preceding year. The membership of the League has been increased from 2044 to 3693 during the same period.

The municipal campaign of 1895, while not entirely satisfactory to the League in the actual results obtained, still showed that the



organization was rapidly becoming an important factor in local politics. Its candidates for Councilmen all received a considerable number of votes, although very few were elected.

The League has not been confining its activity to campaigning. Throughout the year the attention of the authorities and citizens of Philadelphia has been called to matters of importance requiring immediate action. In this work the League has been very successful, having succeeded in preventing the passage of several ordinances which threatened to do much harm to the city's interests.

**Chicago.**—Through the efforts of the Civic Federation, ably aided by the City Engineer, there has recently been disclosed a plan of systematic fraud carried on in connection with the city's water works. An investigation of the water supply in the stockyard district, has shown the existence of a large number of water pipes, which, though connected with the mains, were not furnished with meters. In some of the largest establishments, six and twelve-inch pipes furnishing millions of gallons daily, for which the city received nothing in return, were found. It is estimated by the City Engineer that of the fifty million gallons of water pumped every day into this district, by far the greater portion represented an actual loss to the city treasury. Both civil and criminal suits are to be instituted against the offending parties, and not until these come to trial, will the exact nature and extent of the city's loss be ascertained.

**San Francisco.\***—One question which is being considered by advocates of municipal reform, is whether the movement shall be carried on entirely independent of regular political organizations, and to what extent, and how the object may be better attained by an effort to reform these organizations. Three years ago, a non-partisan organization was effected with a platform which provided for a full municipal ticket. No candidate who endorsed the platform of either political party could receive its nomination. There was some difficulty in securing suitable candidates: First, from the dread of public office: second, because of the hesitation of ambitious members of the evenly balanced parties to break loose from party ties. A measure of success was attained, but some very earnest workers were discouraged by the failure of the voters of the city to rally to their support. Last year a change was made and the non-partisans largely selected their candidates from the regular party ticket. It is now quite generally agreed that it was a mistake, and the probability is, that next year a return will be made to the original plan,

\* Communication of I. T. Milliken.

trusting to the educational process which is surely making itself felt. A very suggestive object lesson has been given the city on differences between the business and the spoils system. The street cleaning department had been run under the latter system for many years. Two years ago unpleasant discoveries were accidentally made, the spoils had not been satisfactorily divided and a halt was called. Last year the Merchants' Association, an organization of public-minded citizens, took hold, raised a fund by voluntary subscription, and the result of its work was a revelation to the long-suffering taxpayers. Starting in a season of general business depression, the association employed, at a low rate of wages, men who had families to support but who would have lacked the "influence" to obtain positions under the old system. Since July 1st, the street cleaning has been under the control of the Superintendent of Streets. This official has the confidence of the citizens to a greater extent than any of his predecessors for years past, but, as he was the successful nominee of a political party, and compelled to pay higher wages, the difference in the condition of the streets is already too noticeable.

Cincinnati.\*—Cincinnati has severely felt the effects of the currency agitation. The Sinking Fund Trustees of the city of Cincinnati, in the interest of the taxpayers, desired to refund certain outstanding four per cent bonds, by redeeming these with a new issue of gold bonds, which could be floated at 3.65 per cent interest. The trustees sought to act by virtue of Section 2729 (a) (Rev. Stat. Ohio) which authorized the issue of such bonds for the refunding of the bonded debt to an aggregate amount not exceeding twenty-six millions of dollars. An injunction suit was brought immediately, upon the ground that no authority was given to issue a *gold* bond. The injunction was allowed by the Circuit Court,† which decision was affirmed by a divided Supreme Court—though the grounds of the Supreme Court's decision have as yet not been stated. The Circuit Court proceeded upon the theory that a municipal corporation could exercise such powers only as were expressly granted; provided, however, that every municipal corporation may exercise incidental powers essential to the very life of the corporation; and that as the statute did not expressly authorize the issue of gold bonds, and as the power to issue such a gold bond was not essential to the very life of the corporation, the issue must be enjoined as being *ultra vires*. The court also held that as the bonds were to be paid in dollars, a bond payable in "gold" dollars would exclude payment

\* Communication of Max B. May.

† City *ex rel. vs.* Anderson, 10 C. C., 267.

in legal tender currency or silver coin and hence would be a limitation in the word "dollars" as used in the statute and therefore unwarranted. The Sinking Fund trustees will undoubtedly appeal to the Legislature which meets in January next, for express authority to issue a gold bond.

Last winter the Cincinnati Municipal Civil Service Reform Association was reorganized. The Hon. Wm. H. Taft, Judge of the United States Circuit Court of Appeals, was elected president. The association gained many new members and will endeavor to procure legislation favorable to civil service reform, similar to that in force at Chicago, New York and Boston. The work of the society is done by the executive board.

The superintendent of the public schools has permitted the opening of one kindergarten class. If the experiment is successful, kindergartens may be made part of the public school system of education.

#### *American Society of Municipal Improvements.*

The American Society of Municipal Improvements, which was organized at Buffalo last year, held its second annual convention in Cincinnati, September 11-14. Delegates from all the large municipalities in the country were present. The object of the society is "to disseminate information and experience upon, and to promote the best methods to be employed in the management of municipal departments and in the construction of municipal works."

Any municipality within America is eligible to membership, likewise any engineer, officer or director, who shall have charge or supervision of any public or municipal department and works. The following papers were read:

"Paving Brick," by W. G. Wilkins, City Engineer of Allegheny, Pa.; "Public Water Supplies," by John W. Hill, of Cincinnati; "Street Improvements," by W. B. Holtzen, of Indianapolis; "The Disposal of Garbage," by Thomas DeVilbins, of Fort Wayne, Ind.; "Street Paving," by Harrison Van Duyne, of Newark, N. J. The most interesting paper was undoubtedly that of Mr. Hill. He insisted upon the fact that if the consumer is to have a safe drinking water, it must come to him in that condition through the public water mains. He likewise attributed the prevalence of typhoid fever in this country to the impure water supply. The death rate from typhoid in 1894, in Cincinnati, was three times that of London, eight times that of Hamburg, ten times that of Vienna, twelve times that of Berlin, and twenty times that of Munich. Mr. Hill said that he had come to the conclusion that by combined sedimen-

tation and multiple-filtration through thick beds of graduated sand, a safe and pure water supply could be obtained.

Mr. G. H. Benzenberg, of Milwaukee, and Mr. D. L. Fulton, of Allegheny, Pa., were chosen president and secretary, respectively, for the ensuing year. Hereafter the society will meet in October, and Chicago was chosen as the next place of meeting. A series of committees are to be appointed each year on the subject of street paving, electric lighting, sewers and sanitation, water works, taxation and assessment, city government and legislation, their duty being to provide for the work to be done in each annual convention in these branches. As this society is composed of those who are engaged in practical administration, much good may be accomplished if the various municipalities act upon the experience of others.

**Omaha.\***—On September 17, the Supreme Court of Nebraska handed down its decision in the Police Commission case. This decision upholds the constitutionality of the new law passed by the last Legislature changing the constitution of Omaha's Board of Fire and Police Commissioners and sustains the validity of the appointments made under it. The law, to which reference has several times been made, abolishes the old board consisting of the Mayor and four Commissioners appointed by the Governor, and vests the control of the police and fire departments in a new board consisting of three Commissioners, appointed by a State appointing board composed of the Governor, Attorney General, and Commissioner of Public Lands and Buildings. The enactment of the law was a purely political move. In order to deprive the Populist Governor of the patronage of the appointments of two Fire and Police Commissioners, a Republican Legislature, overriding his veto, transferred the appointments to a board in which two Republican State officials form the majority and the Governor a helpless minority.

The contest over the enforcement of this law was sharp and exciting. The members of the old board, who by its provisions were legislated out of office on August 1, contended that the act was unconstitutional and insisted upon continuing in the performance of the duties of their offices until the courts should pass upon their claims. They secured an order, for the city Council to show cause why it should not be enjoined from approving the bonds of the men appointed as their successors, but the majority of the Council defied the order of court and approved the bonds. Next, an injunction was secured to prevent the new appointees from

\* Communication of Victor Rosewater, Ph. D.

unlawfully interfering with their work as Police Commissioners. This injunction was after a hearing dissolved although the judge in his opinion affirmed the right of the old board to the peaceable possession of the office until otherwise ordered in a proper judicial proceeding brought to test the title. Finally the case went to the Supreme Court upon a suit in the nature of *quo warranto*. The decision favored the new board, and the old board gracefully retired.

Incidentally the controversy involved a great many minor points of importance. A beginning had been made by the old board at a complete reorganization of the police force by the dismissal of incompetents, agitators and crooks. The first thing the new board did was to reinstate nearly every man removed by its predecessor. The result threatens to bring the police force again prominently into partisan politics and to make it one of the issues in the coming local campaign.

**Buffalo.\***—An important decision regarding the rights of contractors upon municipal work was rendered by the General Term of the Superior Court of Buffalo during the past summer. The laws of 1870, as amended in 1894, make it a crime for a contractor to employ alien labor in the construction of municipal public works. Under this law an agent of the Barber Asphalt Company was convicted of employing an Italian laborer on a city contract for the paving of a certain avenue. Upon appeal this decision was reversed, holding the statute in question to be unconstitutional and also in violation of the treaty with Italy. The Court says in effect that, while the State may itself contract with an individual upon such terms as it chooses, it cannot dictate the terms of a contract between an individual and one of its municipal corporations "which would be illegal if the contract were made directly with itself."

For some time past negotiations have been pending between the city of Buffalo and the Niagara Falls Electric Power Company. After a number of proposals and counter-proposals, the following provisions have been inserted in the franchise. These have not as yet been definitely accepted by the company. The company must, from time to time, adopt improved methods and appliances, as required by the Board of Public Works, with the approval of city Councils; all wires must be placed underground whenever required by the Board of Public Works; an annual payment of five per cent of the gross receipts is to be made to the City Treasurer, to commence five years after the acceptance of the grant; the franchise is to continue

\*Communication of A. C. Richardson.

thirty-six years from the time of its acceptance, but at the end of eighteen years there is to be a readjustment of the percentage paid by the company to the city. The franchise is not transferable or assignable without the consent of the Common Council.

#### FOREIGN CITIES.

**London.**—The interest which the London County Council has shown in the condition of the laboring classes ever since its organization in 1889, has again had opportunity to display itself in the new contracts which various tramway companies are about to conclude with the Council. A strong effort is being made to insert provisions both as to the maximum hours of labor and the minimum rate of wages. In order to effect this, the Council is willing to reduce the payments of the companies, and in this way to offset any of the disadvantages which might ensue from a high rental combined with onerous provisions as to the employment of labor. In doing this, London will merely be following in the footsteps of many of the smaller English municipalities, where such clauses have been inserted in contracts with private corporations.

One of the most gigantic municipal schemes with which any modern municipality has as yet had to deal, is the proposition of a new water supply for the metropolitan district of London. The present sources of supply are rapidly becoming inadequate to meet the needs of the enormous population of this district. They will reach their limit with about 300,000,000 gallons per day, whereas the report of the Royal Commission shows that by 1931 a supply of about 415,000,000 gallons per day will be required. For some time past the Engineer of the County Council has been making a careful study of the problem, and in a recent report outlines a scheme to bring the entire supply from Wales by means of two main aqueducts, one to be 150 miles in length, the other 170 miles. The total cost of the new system will be nearly \$200,000,000. According to the evidence of the Royal Commission, as well as the report of Mr. Binnie, the Council will probably be compelled to adopt this system, inasmuch as it will be extremely difficult to obtain a supply of pure water within the immediate vicinity of London. In fact, it seems as if all the larger English cities will ultimately be compelled to derive the greater part of their water supply from the mountainous districts of Wales. The question is becoming further complicated by the fact that the water supply is in the hands of eight private companies, and until their rights have been acquired by the municipality, little if anything

can be done toward the permanent improvement of the water supply. This latter question is at present pending before a committee of the House of Commons.\*

A recent report of the London School Board gives some facts as to the remarkable work accomplished by this body. Since its organization in 1871, no less than 397 public schools have been erected and opened, to which, during the present year, nine have been added. As is the case with other departments of the government, attempts have been successfully made to insert in the building contracts for these schools, a clause binding the contractors to pay "the rates of wages mutually agreed upon by the Central Association of Master Builders of London, and the London Building Trade Federation." The School Board has also adopted the union rates for workmen directly employed by it. An important feature of the administration has been the great increase in the number of playgrounds and the opening of these grounds on Saturdays. The board has also been active in the founding of special educational institutions for the blind and the deaf.

\*See *ANNALS* for July, 1895, p. 177.

## SOCIOLOGICAL NOTES.

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[The editor of this department is glad to receive notes on all topics of interest to sociologists and persons working along sociological lines in the broadest acceptance of the term. It is not the purpose of these columns to define the boundaries of sociology, but rather to group in one place for the convenience of members of the Academy available bits of information on the subject that would otherwise be scattered throughout various departments of the ANNALS. The usefulness of this department will naturally depend largely on the measure of co-operation accorded the editor by other members of the Academy.]

Among those who have already indicated their interest and willingness to contribute are such well-known workers along sociological lines as Professor F. H. Giddings (Columbia College), Professor W. F. Willcox (Cornell University), Dr. John Graham Brooks (Cambridge, Mass.), Dr. E. R. Gould (Chicago University), Mr. John Koren (Boston), Hon. Carroll D. Wright (Washington, D. C.), Professor E. Cheysson (Paris), Mr. Robert D. McGonnigle (Pittsburgh, Pa.), President John H. Finley (Knox College), Professor D. R. Dewey (Boston), Rev. Dr. L. T. Chamberlain (New York), Dr. Wm. H. Tolman (New York), Dr. D. I. Green (Hartford), Mr. Robert Donald (London), Sig. Giuseppe Fiamingo (Rome), Dr. Georg Simmel (Berlin), Miss Emily Green Balch (Jamaica Plains, Mass.), Miss M. E. Richmond (Baltimore, Md.), and others.]

**Sociological Theory: Method**—It is interesting to note a tendency in German thought respecting the much-vexed problems of social methodology as expressed in a communication from Professor Dr. v. Mayr in his comments on that remarkable book by Otto Ammon, entitled, "*Die Gesellschaftsordnung und ihre natürlichen Grundlagen*,"\* which were recently published in the *Allgemeines Statistisches Archiv*. His words seem to indicate that the German scientific world is not altogether satisfied with the biological analogies that sociologists have introduced into the discussion of social phenomena. He says: "When I read the announcement of this book, I expected from the author, who was well known for his able statistical studies, a work dealing with the basis of social organization, as founded on the results of statistics. I could not think that the author would wander in the anti-statistical, but to-day much beloved sociological method of treatment which lives so largely on biological analogies. A cursory view of the book showed that the author had held himself free from the ordinary fanciful pictures (*Phantasiegebilden*) of his sociological colleagues. A more careful reading of the book showed that the fundamental conception of the author rested on the ground of exact observation of social conditions and events, but that the

\* "*Entwurf einer Sozial-Anthropologie zum Gebrauch für alle Gebildeten, die sich mit sozialen Fragen befassen.*" Pp. 408. Jena: G. Fischer, 1895.



positive material which he had used was partially unreliable, and, to some extent, did not rest on real and original observations. The importance of the book, which is remarkably fresh and logical, lies rather in its suggestiveness than in any solution of the social question of which it treats.

"The theory of the author consists in the application of the law of natural selection to the formation of social conditions." Professor Mayr goes on to speak of the peculiar mixture of optimism and pessimism that one finds in Ammon's conclusions. Ammon is optimistic, to the extent of being severe, for instance, in his treatment of existing inequality in our social organization and in the emphasis which he lays on the different degrees of ability, manifested by different classes of society, as inborn qualities, and again where he accepts the small sum of one hundred marks as the minimum of existence. As to the statistical side of this work, which Professor Mayr is very competent to discuss, he criticises very sharply the use of curves, which he says are "partly fanciful pictures and must in part be designated, when taken singly, as incorrect and, in any event, in no wise representing the general phenomena of society." In the first place Professor Mayr believes that the statistical material on which these curves rest is by far too insufficient a basis for mathematical calculation and is capable of too easy coloring that reflects the position of the author. Then again he objects to the comparisons made between two or more of these curves, which are apt to lead to exaggerated conclusions. Again, to quote Professor Mayr's words, he says: "In general I have received the impression as though Ammon found it necessary to treat statistically that which has not yet been determined, or, indeed, scarcely surmised, as if it was in the realm of indisputable fact. Here I include the explanation which he makes in the remarkable section on the stream of population and the extinction of the higher classes. In particular the assertion that, within two generations, on the average, the vitality of those families in high positions is exhausted. Also in the section on Malthus and over-population is to be found a certain disposition on the part of the author to treat statistically as fact that which cannot yet be determined. On the other side, I will not deny that it is possible for the book to exert a healthy, stimulating, reactionary influence on those specialists who, perhaps, are at times too fearful of results. In this sense Mr. Ammon's book will be useful to the statistician, as it is for the student of social science . . . and in general one gets the impression that the book has led him to the consideration of things to which, perhaps, he would not otherwise have had his attention called."

*Medico-Legal Congress of 1895.*—The Congress of the Medico-Legal Society, which met in New York City early in September, brought together a number of leading specialists in medical science and those versed in legal knowledge. While it was intended primarily for students of medical jurisprudence, one of the subdivisions of the department of Psychology and Psychological Medicine, was devoted to Sociology and Criminology, and many of the papers were of a character that will prove useful sources of information to all students of social phenomena. Several papers were devoted to the treatment of insanity, touching on its social aspects. Much discussion was given to the treatment of inebriates. "Suicide Considered as a Mental Epidemic," was discussed by Dr. Forbes Winslow, of London. Dr. Havelock Ellis, who is well known for his book on "The Criminal," contributed a paper to the sociological section. Moritz Ellinger discussed the topic, "Sociology and Criminology, Growths of Modern Civilization." "The Legal Aspects of Hypnotism," and "The Legal Status and Evolution of Woman," were topics that gave rise to much discussion.

Information as to the bulletins of the congress and reports of its proceedings can be had from Clark Bell, Esq., Secretary, 57 Broadway, New York City.

**Social Settlements.**—*Kingsley House, Pittsburgh, Pa.* The Second Annual Report of the Kingsley House Association\*, presented on June 19, 1895, has appeared in print, and shows a marked increase in the amount of social work attempted and the enlargement of the scope of its work.

A kitchen garden has been started this year to teach house work by means of miniature house-keeping utensils. The number of clubs is greater, and these, together with the six classes which were carried on and constituted a new feature of this year's work, are encouraging signs of a healthy development, and lead us to expect substantial results from settlement work.

**Social Reform in Large Cities.**—The reform movement which has made such rapid progress of late in dealing with the problems of municipal administration, is rapidly spreading to some of the larger social problems that exist in all our large cities. These two lines of reform work are necessarily so intimately connected that it was impossible for a "revival" to take place within the one and not to be felt within the other. Perhaps the first visible signs of awakened interest in the social problems in any community are apt to be due to an intensified spirit of civic responsibility. Reform clubs and

\* "Second Annual Report of the Kingsley House Association," No. 1707 and 1709 Penn Avenue, Pittsburgh, Pa.

other organizations which strive after this end, are multiplying in all our cities both large and small. Their experience, especially when they come in contact with any definite social evil which they attempt to remove, is singularly uniform. Much good, therefore, can be done if those who are engaged in these movements will take the trouble to publish the detailed results of their efforts, and a detailed statement of the methods pursued, for the benefit of others.

The Civic Federation of Chicago is a good illustration of the crystallized form in which an awakened civic life in that city has found expression. Professor A. W. Small has given a good description of its organization in the first number of the *American Journal of Sociology*.<sup>\*</sup> Such pieces of work are of greater practical utility to those engaged in active reform work than a goodly amount of theorizing and general suggestions can possibly be. The results of a similar and more restricted piece of reform work have lately been published by the American Academy of Political and Social Science.<sup>†</sup> Much labor can be saved those who are leading in these reform movements if they are careful to study the experience of others, and they in turn can contribute most largely to further efforts by giving the results of their own experience.

**Charities.**—The legislation of our various States in behalf of the poor has been so different in character, and in most of them there has been so little attempt to codify these laws, that the public officials themselves are at times embarrassed and at a loss to know the exact legal bearings of the questions that come before them. In Pennsylvania, for example, a few years ago a committee of the Legislature was appointed and authorized to study the poor laws of that State and see if they could possibly be reduced, simplified and placed on some unified basis. This committee found the task so severe a one that they gave up the problem without making public any results of their efforts. It is no wonder, therefore, that the student of pauperism is often bewildered if he approaches this mass of more or less conflicting legislation, and especially if he tries to make any comparison between the practice in different States, or tries to get at anything that might be termed the American Poor Law.

Dr. John Cummings has recently contributed to the publications of the American Economic Association ‡ a study of the poor laws of two

<sup>\*</sup> July, 1895.

<sup>†</sup> "The Story of a Woman's Municipal Campaign." Edited by Mrs. Talcott Williams. Publication No 150. Price 50 cents.

<sup>‡</sup> "Poor Laws of Massachusetts and New York," with Appendices containing the United States Immigration and Contract Labor Laws, by JOHN CUMMINGS, Ph. D. Vol. X, No. 4, July, 1895. Pp. 135. Price 75 cents.

States. Although these States are geographically very close to each other, their practice in poor law administration has been radically different. He selects, therefore, Massachusetts and New York as types. Their experience, he maintains, has been that of the great majority of States which have followed one or the other of these two in constructing its poor law system, and in the study of the principles on which the legislation of these two States rests we may trace the basis of the American Poor Law and its relation to the English Poor Law, of which it has been an outgrowth. The value of this study is still further enhanced by the fact that there has been much conflict between Massachusetts and New York on fundamental principles, arising from widely different laws of settlement and State responsibility. The outcome of this conflict in the various single cases is instructive as testimony to the relative value of the respective systems.

*Conference of Charities and Correction.*—The *Charities Review* devoted its June number, which appeared late on this account, to a very full report of the addresses, subjects and discussions in the Charity Organization Section of the National Conference of Charities and Correction, held at New Haven last May. There is probably nothing in these pages that will not appear in the published proceedings of the Conference, but all persons interested in the question of friendly visiting and extending of individual help and advice to the poor, the improvement of their dwellings, the promotion of better sanitary conditions in the poor districts of large cities, etc., will find here, within small space and at the moderate cost of twenty cents, a vast amount of useful information contributed by the leading actual workers in this line of social effort.

*Detroit Plan for the Cultivation of Waste Land.*—A report from Denver states that the Pingree potato farm plan, tried this year for the first time, has been a success. The plan was not put into execution until a month after the beginning of the season, and yet the results have been so satisfactory to those in charge that it will be carried out on a larger scale and begun in ample time next year. The work in Denver originated with some charitable ladies of the city, assisted by Chairman Wells of the County Commissioners, Mr. S. L. Holzman, and others interested in the problem of caring for the poor and unemployed.

Mr. Wilson made an offer of the use of his land in North Denver. The problem of water for irrigation made the extent of the enterprise necessarily limited at this time, and the land was divided into half-acre tracts and prepared for cultivation. The seed was donated, and about fifty needy persons availed themselves of the chance offered them, and each one set to work to cultivate his or her half

acre. The season is not yet ended, but the results are sufficiently apparent to demonstrate that the plan can be made a success in Denver.

A superintendent was employed in the early part of the work to instruct the gardeners in their work, but after the first few months it went on without further supervision. No records have been kept of the amount of produce raised or the sum realized from what was sold, so that detailed statistics, such as have been obtained elsewhere, are not available for the Denver experience. Mr. Holzman says, however, that "the people have raised a large amount of garden stuff, even though it was put in a month late, including corn, potatoes, cabbage, beets, beans, squash, and other vegetables. They have all had enough to eat, and the most thrifty have sold sufficient to provide them with ready money. Of course, some have been careless, and the results in these cases have not been encouraging; but the majority have done well and show a disposition to make good use of the advantages offered them. Many have stored or will store away a supply for the winter, and just so much of a burden will be lifted from the shoulders of the charity organizations. The results are sufficiently encouraging to justify the pursuance of the plan next year on a larger scale."

**Labor Question:** *Agricultural Depression in New York State.*—The New York Association for Improving the Condition of the Poor, under the skilled leadership of its new secretary, Dr. William H. Tolman, has made a new departure in its publications which will be widely welcomed by all students of social questions. The association has begun the publication of a series of leaflets giving the results of special investigations of pressing social questions which it has made. It is indeed a hopeful sign that an organization of such large dimensions as this one, should conceive of its mission as being somewhat more than the doling out of alms even where individual cases have been investigated, and should be willing to launch forth into the field of intelligent inquiry as to the best methods of preventing pauperism as well as of extending relief that enables the recipients to help themselves.

The first leaflet issued is entitled, "An Inquiry into the Causes of Agricultural Depression in New York State."\* This investigation was undertaken on account of the over-crowding of population in New York, and because part of the influx was supposed to be due to unemployment in agricultural districts and the hope that adequate means for the securing of employment to all who applied were

\*New York, September, 1895. Association for Improving the Condition of the Poor, 105 East Twenty-second Street. Price 5c.

possessed by the charitable agencies of New York. The resolutions adopted by the Board of Managers of the New York Association for Improving the Condition of the Poor, in April, 1894, stated, that

"WHEREAS, The suffering among the wage-earners of this city during the past winter has been but an accentuated form of a chronic evil resulting from the tendency of population to concentrate in the cities, thereby over-supplying the municipal labor markets, and

"WHEREAS, This serious hindrance to the improvement of the condition of the poor exists contemporaneously with an unsatisfied demand for agricultural help in rural localities, therefore,

"RESOLVED, That the effort of intelligent philanthropy should be early directed toward the relief of the congested condition of the cities, by affording every possible encouragement toward settlement in agricultural communities, and that an extensive inquiry into this subject should be made during the coming summer, and that the association appeal to the Citizens' Relief Committee to appropriate from the fund remaining in their hands a sum not to exceed \$5000, to cover expenses in making such an inquiry."

So much for the scope and purpose of the investigation. The services of Mr. Kjelgarrrd, a Pennsylvania farmer, were secured to carry on a personal investigation throughout the leading farming districts, and Mr. George T. Powell conducted a written investigation with a view to securing information chiefly from farmers, but also from other classes, on the same points that Mr. Kjelgarrrd had been instructed to investigate. The results, as tabulated in this report, are grouped about eight leading questions:

1. How much has farming land depreciated in the various localities in the past twenty-five years, and what is the cause or causes?
2. Is there a tendency among farmers and their families to leave their farms and live in towns and cities? If so, what is the cause?
3. Is there an increase in tenant farming?
4. Are farmers gradually reducing their land indebtedness?
5. What rate of interest do farmers pay on notes and mortgages?
6. How many farmers keep accounts and can show some percentage of profit on a fair valuation of their farms?
7. Are the district schools as well attended as in years past?
8. Are the principles of agriculture taught in any form in any of the schools?

The responses to the first inquiry were very unanimous, being without a single exception in the affirmative, and the average depreciation being fixed at about 50 per cent. Among the causes assigned, 25 per cent of the answers indicated low-priced farm products; 15 per cent, opening of new Western land; 10 per cent, high price of labor; 8 per cent, loss of fertility in the soil; while the balance attributed the cause to the scarcity of good farm laborers, taxation, want of tariff protection, over-production, etc.

As to the tendency to leave the farms, Mr. Powell reports that 75 per cent of the replies received by him are in the affirmative. Mr. Kjelgarrrd maintains that 30 per cent of the farmers are anxious to go to the large cities, adding that 86 per cent of their children cannot be induced to follow an agricultural life. The causes assigned to this are: unprofitable farming; greater school advantages; difficulty in obtaining good help (30 per cent of the replies assigned these causes, about 10 per cent to each). Higher wages in the cities and easier living in towns, are also enumerated as causes in 10 per cent of the replies. Very marked discontent with rural life is manifested in many districts.

Replies to the third point of investigation indicated that tenant farming is on the increase, and is apparently spreading rapidly. Mr. Powell reports that 70 per cent of the farmers are not reducing their land indebtedness, and that only 20 per cent are doing so; while Mr. Kjelgarrrd reports that only 14 per cent are making a profit. It seems further that the farmers are not paying more than 6 per cent interest for their borrowed money. Fifty-six per cent of the replies also indicate that the schools are not so well attended as in other years.

Mr. Powell, on the basis of his report, makes many valuable suggestions looking toward an improvement of agricultural conditions; among them, the encouragement of forestry, better cultivation of fewer acres, improvement of country home life, extension of farmers' clubs, increase in number of high schools, etc.

In closing the report, the special committee which had it in charge, recommended to the association to call a conference at an early date for the purpose of laying before the charitable organizations of New York City the resolutions as presented in the report to the intent that some concerted measures may be taken through the State Department of Agriculture, or by additional legislation, to re-awaken an interest in the farming industry and turn the movement of population from the cities to the agricultural districts.

*Labor Bulletin of the United States Department of Labor.*—The Department of Labor at Washington is about to issue a bulletin which will give regular and systematic information respecting labor interests and the particular work of the department from time to time. Those who are familiar with the *Labor Gazette*, published by the labor department of the English Board of Trade, and *Le Bulletin de l'Office du Travail*, published in Paris, will realize how useful such an organ may be in helping students of the labor question to keep in touch with the latest developments. Advices from Washington state that the new bulletin will probably appear the latter part of

this month. It can be obtained through the regular channels for the publications of the department.

*Employment of Women and Girls.*—The past five years have certainly constituted a period of industrial depression in England as well as in the United States. This fact affords a good opportunity for the study of occupations, and of the normal relations of men and women to the various industries in times when the demand for labor is not artificially stimulated. In England there is a census return of occupations, published every ten years, the last report being for 1891. The Labor Department of the Board of Trade made a statistical study of the employment of married women in 1894, and an industrial inquiry made by the Board of Trade in 1886 into the conditions in the cotton, woolen and worsted industries, furnishes additional material for the very interesting study which Miss Collet has made of the "Statistics on Employment of Women and Girls." \*

Some of the results of this inquiry are extremely interesting, and the form in which the figures are given indicates a careful use of statistics. Comparing the year 1891 with 1881, we notice that in 1891 out of 18 occupations, each employing over 1 per cent of the women and girls classified as "occupied," in 1881 or 1891, the employment of women and girls increased in proportion to the population, indicating that in 1891, 812 in every 10,000 women and girls above ten years of age were employed, or 90 more than in 1881. In the other 9 occupations, each employing over 1 per cent of the "occupied" women and girls, 1963 in every 10,000, or 126 less than in 1881, were employed. The remaining occupations, in each of which less than 1 per cent of the occupied women and girls were employed, show 667 in every 10,000, or 73 more than in 1881. The occupations which indicate an increase in the employment of women and girls are: tailoring, millinery and dressmaking, shoemaking, hotel service, lodging and boarding house keeping, sick nursing, drapery, shop assistants, teaching, and the group of occupations described as "grocer: tea, coffee, chocolate making, dealer."

The statistics of employment of married women are the most complete embodied in the report; they indicate a rather large percentage of this class in employment. Thus, for England and Wales, in over 1000 women between 35 and 45 years of age, 86 were classified as both "occupied" and "married," or "widowed," and in London there were 121, while for Central London the number was 240.

An attempt was made in the report to discover whether there was

\*Report by Miss Collet on "Statistics on Employment of Women and Girls." Pp. 152. Price 8d. London: Labor Department, English Board of Trade, 1894.



any indication of a relation between the rates of wages and the employment of married women in the districts under consideration. The cotton trade, covering perhaps the largest area, including a number of large towns for which the census statistics were available, disclosed several coincidences between the different sets of facts. For instance, the large urban districts, like Wigan, Manchester and Salford, where the greatest proportion of cotton operatives were women and girls, are not the districts where the greatest proportion of women and girls were cotton operatives.

The large urban districts where the greatest proportion of women and girls were cotton operatives, are those where the proportion of men and boys who were cotton operatives was the highest. From other similarly observed coincidences, it is inferred in the report that the high percentage of women and girls in the mills, who were shown to be married or widowed, in 1894, in Burnley, Blackburn and Preston, where the percentage of female operatives was the highest, has been due, first, to the higher wages obtainable by women and girls in this part of the cotton district, and second, to the lower wages earned by men in this part of the cotton district, both circumstances rendering women reluctant to give up work after marriage.

*Gain Sharing and Bonus on Production.*—Another report of the Labor Department of the English Board of Trade, which was issued in July, 1895,\* deals with the results of a disposition of profits in industrial life, or, perhaps, we might better say, with systems of remuneration of labor, which are often confounded with profit sharing and are usually discussed under this head, but are really not profit sharing at all, since the amount of the distribution is not directly proportionate to the profits of the concern, nor do the individuals concerned share in the losses.

Six schemes, which differ widely in their details, are discussed at considerable length in this report, and they may be taken to embody the leading features of this type of industrial method. One describes the Yale & Towne gain-sharing system, which was introduced in 1887 into the works of the Yale & Towne Manufacturing Company, at Stamford, Conn., and has already been described by Mr. Henry R. Towne, the president of the company, in a paper read by him before The American Society of Mechanical Engineers. This paper is reprinted together with a letter from Mr. Towne, bringing the results down to date. The second scheme discussed is

\* Report on "Gain Sharing and Certain Other Systems of Bonus on Production," prepared by Mr. D. F. Schloss. Pp. 132. Price, 6½d. London: Labor Department, Board of Trade, 1895.

that in force in a Canadian factory, known as the "Halsey's Premium Plan." It has likewise been described in a paper read before the American Society of Mechanical Engineers by Mr. F. A. Halsey, manager of the Canadian branch of the Rand Drill Company. The remaining examples are taken from English workshops, and the descriptions given are based on facts obtained from the firms in question, partly by correspondence, and partly through visits of agents of the Labor Department.

Some of the conclusions arrived at in regard to the practical application of the plan of premium payment indicate that it has not been free from difficulties and has not always accomplished the result most desired. Mr. Schloss indicates that one of the greatest difficulties is to fix to the satisfaction of both the employer and employed, the standard costs upon which the calculation of the bonus is based. The matter of time or period at which bonus is paid, is also an important consideration. Experience has shown that the smaller the interval allowed to elapse between the completion and approval of the work, and the receipt of the premium to which the workman may be entitled, the more likely is the reward to stimulate his exertions. The system does not do away with the need for careful supervision of the work, as there is a temptation on the part of the workmen sometimes to work quickly and sacrifice quality in order to earn a high bonus.

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[NOTE: Space will not permit the insertion of titles of all articles in the leading English and American Monthlies, Quarterlies and Reviews; a very comprehensive index to that literature is to be found in the current numbers of the *Review of Reviews*. Occasionally articles in the more strictly scientific and therefore less widely known English periodicals will be mentioned. In references to English Government publications, the numbers in brackets, *e. g.* [7680], indicate the "order" number which may be used in ordering them from Eyre & Spottiswoode, London, the official publishers, or from P. S. King & Son, London.]

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ABBREVIATIONS.—In the Index the following abbreviations have been used : *pap.*, principal paper by the person named ; *com.*, briefer communication, by the person named ; *b.*, review of book of which the person named is the author ; *p. n.*, personal note on the person named ; *r.*, review by the person named ; *trans.*, translation by the person named ; *mis.*, miscellany by the person named.

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